

CITY OF MALIBU LOCAL COASTAL PROGRAM LAND USE PLAN

As Proposed

April 12, 2004

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CHAPTER 1–INTRODUCTION

A. Description of the City of Malibu

The City of Malibu, which incorporated on March 28, 1991, lies entirely within the State designated Coastal Zone and extends approximately 25 miles from the Ventura County Line on the west to Topanga Canyon Boulevard on the east. Inland, the City's Coastal Zone boundary extends approximately 2 miles and includes portions of the coastal terrace and slopes of the Santa Monica Mountains.

The shoreline along the City of Malibu Coastal Zone contains sandy and rocky beaches, bluff backed crescent coves, and rocky headlands. The inland portion generally contains the major canyons and watersheds of the mountain range. The canyons constitute natural and, in some cases, disturbed drainages that run down toward the Pacific Ocean from the mountain peaks, located both within and outside of the unincorporated Los Angeles County Santa Monica Mountains Coastal Zone and the interior valleys. The significant Malibu Creek watershed extends inland beyond the City to the Simi Hills and drains approximately 67,000 acres of watershed into the Malibu Lagoon. The Lagoon, its watershed, and the other canyon systems form a major wildlife network important to sustaining many of the scenic and natural resources of the region. The slopes and hillsides are dominated by coastal sage scrub and chaparral vegetation and large areas of riparian habitat in the canyons. Many areas have had repeated damage by fire, grading, discing, and clearing. As a result, these areas have often been revegetated by invasive non-native plants, including mustard, fennel, Scottish broom, Russian thistle, oats, and other wild annual grasses and weeds. These are a seed and vegetative source for further degradation and displacement of native plant habitats. These patches of non-native weeds may appear like natural scenic vegetation to a non-biologist, but they generally have low habitat values and tend to displace native vegetation with higher habitat values. From the Civic Center eastward, grading and development have eliminated native hillside vegetation in some areas, portions of creeks have been channelized.

The marine environment from Malibu Point (Malibu Lagoon) westward to the Ventura-Los Angeles County line is relatively undisturbed. Along the coast, kelp beds are found, providing habitat for many species of sea life. The marine environment from Malibu Point eastward to Topanga has suffered some biological degradation; kelp beds have disappeared, but reef and rock zones still provide a habitat for many species of fish.

Broad sandy beaches at Leo Carrillo, Nicholas Canyon, Zuma, Westward, Point Dume, Surfrider and other beaches provide sunbathing, swimming, surfing, board sailing and other recreational opportunities to the public. Small, public pocket beaches backed by high bluffs provide more secluded and natural beach

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environments in the City's western portion. The more urbanized eastern portion of Malibu contains several vertical access points to beaches located behind residential communities. Access to many beaches throughout the City, however, is restricted by existing development, including gated communities or private compounds, unopened accessways, and lack of parking. Lateral access along the coastline is sometimes limited by natural rocky outcroppings and cliffs that narrow areas of passable beach. In addition, high tides often cause obstructions at some beaches. Vehicular access to beaches and the entire Malibu coast is provided by Pacific Coast Highway and a few cross-mountain roads. The limited traffic capacity of Pacific Coast Highway is exceeded regularly on summer weekends as coastal visitors and residents attempt to reach the beach or enjoy a drive along the coast.

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Land use patterns vary considerably throughout the City. Commercial and residential development flanks the Pacific Coast Highway from Topanga to Point Dume. The Malibu Civic Center, located at the base of Malibu Canyon, and Point Dume Plaza contain the major commercial areas. The balance of the City generally consists of residentially zoned lots in small clusters of approximately 10,000 square feet to an acre in size, mid-sized parcels of 2, 5, and 10 acres and large parcels exceeding 20 acres on the coastal slopes throughout the City with undeveloped landholdings of up to 300 acres in the extreme western portion of the City.

B. Coastal Act Requirements; Local Coastal Planning History

1. Local Coastal Program Efforts Prior to the Incorporation of Malibu

Efforts to complete a Local Coastal Program in conformance with the California Coastal Act for the Malibu and Santa Monica Mountains area have been ongoing since shortly after the Coastal Act became effective on January 1, 1977. Prior to the City's incorporation, the initial planning, public hearings, and submittals were the responsibility of Los Angeles County. Initial studies and planning documents addressed the larger coastal zone for Malibu and the Santa Monica Mountains, which extends approximately 5 miles inland.

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The first phase of the Local Coastal Program prepared and submitted by the County consisted of the "Issue Identification/Work Program for the Malibu Area." The work program, which was approved by the Coastal Commission in December 1978, identified the specific issues to be addressed in the LCP Land Use Plan (LUP). The second phase consisted of preparation and submittal of the Land Use Plan. In December 1982, the Los Angeles County Board of Supervisors approved a Land Use Plan and subsequently submitted it to the Coastal Commission. After numerous public hearings and revisions the LUP was certified by the Coastal Commission on December 11, 1986. Since its

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certification in 1986, the certified Land Use Plan has been consulted for guidance by the Coastal Commission in its permit decisions.

2. Local Coastal Program Efforts Subsequent to the Incorporation of Malibu

Subsequent to Malibu's incorporation, the City embarked upon preparation of its General Plan and interim Zoning Ordinance, and its Local Coastal Program. The City appointed a Local Coastal Program Committee in 1994, which held over 100 meetings on a regular basis for five years, culminating in an LCP submittal by the City that was rejected by the Coastal Commission.

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On August 31, 2000, the State legislature passed Assembly Bill 988 which added Section 30166.5 to the Coastal Act. Subsection (a) requires the Coastal Commission to prepare an initial draft of the Land Use Plan for the City of Malibu and submit it to the City on or before January 15, 2002. Subsection (b) requires the Commission, after public hearing and consultation with the City of Malibu, to certify a Local Coastal Program for the City by September 15, 2002. Section 30166.5 also requires the City to immediately assume coastal development permitting authority subsequent to adoption of the LCP by the Commission and provides that, notwithstanding specified requirements for the review and approval of development projects, no application for a coastal development permit shall be deemed approved if the City fails to take timely action to approve or deny the application. The Coastal Commission certified a Local Coastal Program and the Coastal Land Use Plan for the City of Malibu on September 13, 2002.

C. The Coastal Act

In October 1972, the United States Congress passed Title 16 U.S.C. 1451-1464, which established a federal coastal zone management policy and created a federal coastal zone. By that legislation, the Congress declared a national interest in the effective management, beneficial use, protection and development of the coastal zone in order to balance the nation's natural, environmental and aesthetic resource needs with commercial-economic growth. The Congress found and declared that it was a national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to the need for economic development (16 U.S.C. 1452b). As a result of that federal enactment, coastal states were provided a policy and source of funding for the implementation of federal goals.

The California Coastal Zone Conservation Act of 1972 (Proposition 20) was a temporary measure passed by the voters of the state as a ballot initiative. It set up temporary regional Coastal Commissions with permit authority and a directive

to prepare a comprehensive coastal plan. The coastal commissions under Proposition 20 lacked the authority to implement the Coastal Plan but were required to submit the Plan to the legislature for “adoption and implementation.” The California Coastal Act of 1976 is the permanent enacting law approved by the State legislature. The Coastal Act established a different set of policies, a different boundary line, and different permitting procedures than Proposition 20. Further, it provides for the transfer of permitting authority, with certain limitations reserved for the State, to local governments through adoption and certification of Local Coastal Programs (LCP) by the Coastal Commission.

The Coastal Act declares that “to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement” in carrying out the state’s coastal objectives and policies (Public Resources Code Section 30004¹). To this end, the Act directs each local government lying wholly or partly within the Coastal Zone provide a Local Coastal Program (LCP) for its portion of the Coastal Zone. The LCP consists of two parts. The first is this Land Use Plan comprising goals and regulatory policies. The second is a set of Implementing Ordinances to carry out the policies of the Land Use Plan, known as the Local Implementation Plan.

An LCP is defined as “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the Coastal Act] at the local level” (PRC Section 30108.6). The Land Use Plan is defined as “the relevant portion of a local government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (PRC Section 30108.5).

The LCP zoning ordinance, district maps and other implementing actions must be found to conform with and be adequate to carry out the LCP Land Use Plan.

After certification of the LCP (Land Use Plan and Local Implementation Plan), the review authority for new development within the City of Malibu, including most state and federal government proposals, transfers from the Coastal Commission to the City, except for certain geographic areas such as submerged lands, tidelands, and public trust lands where the Commission retains original permit jurisdiction (PRC Section 30519). In authorizing Coastal Development Permits after LCP certification, the City must make the finding that the development conforms to the certified LCP. Any amendments to the certified LCP will require review and approval by the Coastal Commission prior to becoming effective.

¹ References to Sections of the Public Resources Code, unless otherwise indicated.

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In addition, certain types of development, and development within certain geographic areas approved by the City after certification of the LCP are appealable to the Coastal Commission (PRC Section 30603). These include:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and public trust lands, within 100 feet of any wetland, estuary, or stream¹, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Developments approved by the local government not included with paragraph (1) or (2) that are located in a sensitive coastal resource area².
- (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).
- (5) Any development which constitutes a major public works project or a major energy facility.

The grounds for an appeal of an approval of a permit are limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies of the Coastal Act. In addition, the grounds for an appeal of a denial of a permit for a major public works project or major energy facility referenced in number (5) above are limited to an allegation that the development conforms to the standards set forth in the certified Local Coastal Program and the public access policies of the Coastal Act.

An important provision of the Coastal Act is Section 30010, which prohibits the Coastal Commission and local governments acting pursuant to the Coastal Act to exercise their powers under the Act "in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United

¹ A stream is a topographic feature that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life. This includes watercourses having sufficient surface or subsurface flow that supports or has supported riparian vegetation.

² Section 30502 of the Coastal Act requires the Coastal Commission to designate "sensitive coastal resource areas" within the coastal zone. However, in August 1978, the Coastal Commission voted not to designate "sensitive coastal resource areas." Thus, there are no areas within the Malibu Coastal Zone where local permit decisions can be appealed to the Coastal Commission on the basis of a "sensitive coastal resource area."

States.” As a result, the Malibu Local Coastal Program is intended to honor the rights of property owners under the state and federal constitutions, including the right to a reasonable economic use of property and maintaining a nexus between the application of LCP provisions and requirements and the entitlements being sought pursuant to the LCP.

D. General Goals and Objectives

In order to provide a Local Coastal Program which conforms to the intent of the Coastal Act of 1976 (PRC Section 30001.5), the overriding goals of the City of Malibu Local Coastal Program are to:

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- (a) Protect, maintain, and where feasible¹, enhance and restore the overall quality of the coastal zone environment and its natural and human resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account both the social and economic needs of the people of the state and of the people of Malibu.
- (c) Maximize² public access to and along the coast and maximize public recreational opportunities in the coastal zone in a manner that is consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.
- (f) Ensure that the City of Malibu acts as a responsible steward of the area's natural and manmade environments.

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In addition, a goal of the LCP is to promote the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption,

¹ “Feasible,” “to the extent feasible,” “to the maximum feasible extent,” and similar phrases encompass only those actions that are technologically and physically possible, consistent with the purposes of the project for which the action is being taken and the right for an economic use of property. “Feasible” actions can be accomplished within a reasonable time frame, and are economically reasonable in the marketplace.

² “Maximize” denotes that action will be taken to increase an existing condition or create a new condition as much as is feasible. The expectation is that specific action will be undertaken to improve existing conditions by enhancing the positive consequences of a particular situation as much as is feasible.

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implementation, and enforcement of environmental laws, regulations, and policies.

The following standards shall be applied by the City to achieve the goals and objectives of the Coastal Act in applying the policies of this Land Use Plan:

- (1) The policies of Chapter 3 of the Coastal Act (PRC Sections 30200 – 30263) shall be the guiding policies of the Land Use Plan.
- (2) Where conflicts occur between the policies contained in the Land Use Plan and those contained in any element of the City's General Plan, zoning or any other ordinance, the policies of the Land Use Plan shall take precedence.
- (3) Prior to approval of any Coastal Development Permit, the City shall make the finding that the development conforms to the policies and requirements contained in the Land Use Plan.

Applicability Clause

The application of all Local Coastal Program policies and implementing provisions to the issuance of a coastal development permit shall be predicated upon the existence of a nexus between the proposed project and the provision to be applied in the review and approval of the coastal development permit.

Severability Clause

If any policy, chapter, section, subsection, paragraph, sentence, clause, phrase or other portion of the Land Use Plan is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the Land Use Plan.

CHAPTER 2—PUBLIC ACCESS AND RECREATION

A. Introduction

The beaches of Malibu are world-famous tourist destinations for millions of visitors annually from foreign countries, all 50 states of the U.S., as well as to residents of cities and towns located throughout California. In addition, the Santa Monica Mountains area within and adjacent to the City provides an extensive network of public trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private land. Overall, a wide variety of recreational opportunities exist in the area including hiking, biking, horseback riding, camping, fishing, picnicking, nature study, surfing, diving, and swimming. Public access to and along the shoreline and trails, and the provision of public recreational opportunities and visitor-serving facilities such as campgrounds, hotels and motels has historically been a critical and controversial issue in Malibu. Continuing conflicts in providing maximum public access to and along the shoreline and trails, as mandated by the Coastal Act, is evidenced in the Coastal Commission's permit regulatory reviews and public hearings concerning proposed projects in Malibu since 1976.

The loss of coastal recreation opportunities resulting from development occurring over the past 25 years represents a significant adverse impact to the availability of public access and recreation in Malibu. Defined broadly, these opportunities include not only the physical availability of access and recreation areas, but also the ability of the public to reach and utilize these sites. Coastal access is generally viewed as an issue of physical supply, and includes lateral access (access along a beach), vertical access (access from an upland street, parking area, bluff or public park to the beach), coastal blufftop trails, and upland trails that lead to the shore or traverse inland parklands within the coastal zone. These inland parks provide significant access and recreation opportunities in the City and Santa Monica Mountains coastal zone, and are as important to coastal access as shoreline accessways.

While the physical supply of access is a primary factor in assuring access opportunities, the Local Coastal Program cannot view the issue of supply in isolation of a number of other factors. These variables include the availability of transit to beaches, parking availability, providing other support facilities such as restrooms and picnic areas, addressing user demands and conflicts, and maintenance of a diversity of coastal recreation experiences. Impacts to any one of these variables may ultimately affect the availability and use of the physical supply of access. For example, without adequate parking or alternate transportation, users will have difficulty reaching the shoreline or trailhead. Therefore, managing and increasing coastal access and ensuring that growth and development does not cumulatively impact the ability of the public to access the shoreline and trails, involves improving not only the physical supply of

access, but all of the other variables that contribute to ensuring maximum coastal access.

To understand the importance of protecting and maximizing public access, it is critical to know that the public already possesses ownership interests in tidelands or those lands below the mean high tide line. Because the mean high tide line varies, the extent of lands in public ownership also varies with the location of the mean high tide line. By virtue of its admission into the Union, California became the owner of all tidelands, submerged lands and all lands lying beneath inland navigable waters. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The use of these lands is limited to public trust uses, such as navigation, fisheries, commerce, public access, water-oriented recreation, open space, and environmental protection. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access through the regulation of development.

1. Coastal Act Provisions

A broad policy goal of California's Coastal Management Program is to maximize the provision of coastal access and recreation consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act. Several additional policies contained in the Coastal Act, which are herein incorporated into the Land Use Plan, work to meet this objective. The Coastal Act requires that development not interfere with the public right of access to the sea (Section 30211); provides for public access in new development projects with limited exceptions (Section 30212); encourages the provision of lower cost visitor and recreational facilities (Section 30213); addresses the need to regulate the time, place, and manner of public access (30214); specifies the need to protect ocean front land suitable for recreational use (Section 30221); gives priority to the use of land suitable for visitor-serving recreational facilities over certain other uses (Section 30222); requires the protection of upland areas to support coastal recreation, where feasible (Section 30223); and encourages recreational boating use of coastal waters (Section 30224).

2. Land Use Plan Provisions

The policies contained in the Local Coastal Program Land Use Plan are intended to carry out the goals and objectives reflected in the policies of the Coastal Act. These policies can be broadly summarized as follows:

- Improving existing public access opportunities by supporting proposals to open accessways including efforts by Los Angeles County to open and improve accessibility to El Sol and Dan Blocker Beaches;
- Improving public access to Point Dume State Preserve by improving the availability of parking at the blufftop and providing transit service from Point Dume State Beach below the headlands consistent with the terms of the settlement agreement between the City, the Department of Parks and Recreation and the Coastal Commission;
- Providing objectives, standards, and designated sites for locating visitor-serving recreational facilities and commercial uses such as hotels and motels;
- Coordinating with other public agencies to develop a comprehensive signage program to better identify public access and use opportunities and minimize¹ conflicts between public and private use;
- Identifying and seeking removal of all unauthorized physical development, including signs and fences on the beach, which inhibit public use of public beach areas and state tidelands, as well as those that that physically encroach into state tidelands;
- Protecting existing and improving future parking availability near shoreline and trail accessways throughout the City;
- Improving methods and programs to carry out public access impact mitigation measures by coordinating with other public agencies and private associations to ensure that vertical and lateral access and trail easements obtained pursuant to Offers to Dedicate (OTDs) are accepted, opened, maintained and operated;
- Requiring public access OTDs to mitigate² demonstrated impacts to public access;
- Providing guidelines to locate, design, map and otherwise implement a California Coastal Trail (CCT) in the City;
- Establishing standards for the siting and provision of public accessways and support facilities at specific beaches throughout the City;
- Supporting efforts to develop and publish a regional access guide for the Malibu area.

¹ "Minimize" denotes that action will be taken to reduce or lessen, but not necessarily eliminate, an existing condition or action. The expectation is that specific action will be undertaken to improve existing conditions by reducing the negative consequences of a particular situation as much as is feasible.

² "Mitigate" denotes that action will be taken to ameliorate, alleviate, or avoid to the extent feasible, an undesirable situation or consequence of action. The expectation is that although they might not be eliminated, negative consequences will be reduced to a level of insignificance, if feasible.

The overarching goal and intent of the policies provided below is to ensure that the LCP Land Use Plan provides for protection, provision, and enhancement of public access and recreation opportunities in the City of Malibu consistent with goals, objectives, and policies of the California Coastal Act.

B. Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
 - (2) adequate access exists nearby, or
 - (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- (b) For purposes of this section, "new development" does not include:
- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.
 - (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

- (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
 - (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.
 - (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach. As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.
- (c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The Commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
- (1) Topographic and geologic site characteristics.

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- (2) The capacity of the site to sustain use and at what level of intensity.
 - (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
 - (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.
- (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.
- (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors,

limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

C. Land Use Plan Policies

2.1 The shoreline, parklands, beaches and trails located within the City provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance. (see LIP 17.46.070)

2.2 New development shall minimize impacts to public access to and along the shoreline and inland trails. The City shall assure that the recreational needs resulting from proposed development will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and/or development plans with the provision of onsite recreational facilities to serve new development. (see LIP 17.46.050)

2.3 Public prescriptive rights may exist in certain areas along the shoreline and trails within the City. Development shall not interfere with the public's right of access to the sea where acquired through legislative authorization or when the City determines that there is substantial evidence that prescriptive rights exist. These rights shall be protected through public acquisition measures or through permit conditions for new development, which incorporate measures to provide or protect access when there is substantial evidence that prescriptive rights exist. (see LIP 17.46.070 F)

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2.4 Public accessways and trails shall be an allowed use in Environmentally Sensitive Habitat Areas. Where determined to be desirable (by consideration of supporting evidence), limited or controlled methods of access and/or mitigation designed to eliminate or minimize impacts to ESHA may be utilized. Accessways to and along the shoreline shall be sited, designed, and managed to avoid and/or protect marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. [\(see LIP 17.30.050\)](#)

2.5 New development shall be sited and designed to minimize impacts to public access and recreation along the shoreline and trails. If there is no feasible alternative that can eliminate or avoid all access impacts, then the alternative that would result in the least significant adverse impact shall be required. Impacts may be mitigated through the dedication of an access or trail easement where the project site encompasses an LCP mapped access or trail alignment, where the City, County, State, or other public agency has identified a trail used by the public, or where there is substantial evidence that prescriptive rights exist. Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. [\(see LIP 17.46.050\)](#)

2.6 Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access. [\(see LIP 17.42.030\)](#)

2.7 Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Existing public access, Offers-to-Dedicate (OTDs), easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g. parking, construction of necessary access improvements) shall be permitted to be constructed, opened and operated for its intended public use when it is found to comply with the access policies of this LUP. [\(see LIP 17.46.070 H\)](#)

2.8 Public recreational facilities throughout the City, including parking areas or facilities, shall be distributed, as feasible, to prevent overcrowding, [parking on local residential streets](#), and to protect environmentally sensitive habitat areas. [\(see LIP 17.46.070\)](#)

2.9 Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council. [\(see LIP 17.46.070 H\)](#)

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2.10 Volunteers and conservation or public work programs should be utilized where feasible to assist in the development, maintenance, and operation of public accessways and recreational facilities.

2.11 Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of environmentally sensitive habitat areas.

2.12 For new development adjacent to a public park, beach, trail, or recreation area, notice shall be provided to appropriate agencies, as applicable, to Los Angeles and Ventura Counties, the National Park Service, the California Department of Parks and Recreation and the Santa Monica Mountains Conservancy for their review with regard to potential impacts to public access, recreation, environmentally sensitive habitat and any other sensitive environmental resources.

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2.13 Open space easements and dedications shall be utilized, where required, to facilitate the objectives of the City's recreational and/or public access program.

2.14 An incentives program that will encourage landowners to make lands available for public access and recreational uses should be developed.

2.15 The City should coordinate with County, federal and state park agencies and nonprofit land trusts or organizations to insure that private land donations and/or public access dedications are accepted and managed for their intended use.

2.16 Entrance roads, parking facilities, and other necessary support facilities for parks, beaches and other shoreline recreation areas shall be sited and designed to minimize adverse impacts to environmentally sensitive habitat areas and other sensitive environmental and visual resources. (see LIP 17.34.050 A)

2.17 Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a coastal development permit. (see LIP 17.46.070 D)

2.18 The City should coordinate with the National Park Service, the California Department of Parks and Recreation, the State Coastal Conservancy, Caltrans, the County Department of Beaches and Harbors and the Santa Monica Mountains Conservancy to provide a comprehensive signage program to identify

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public parks, trails and accessways. Said signage program should be designed to minimize conflicts between public and private property uses.

2.19 Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that would impact the public's access to coastal resources (see LIP 17.48.040 J).

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Deleted: following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential

Deleted: result in significant adverse impacts to public access and/or

2.20 New public beach facilities shall be limited to only those structures which provide or enhance public recreation activities. No development shall be permitted on sandy public beach areas, except that lifeguard stations, small visitor-serving concessions, beach maintenance facilities (subject to approval of a Coastal Development Permit), trash and recycling receptacles, and physically challenged access improvements may be permitted when sited and designed to minimize adverse impacts to public access, visual resources and environmentally sensitive habitat areas and marine resources.

2.21 The limited development of visitor-serving commercial recreational facilities designed to serve beach or park users may be permitted on non-sand areas of public beaches or beach parks. Developments designed or sized to serve a larger market than park users shall be prohibited in public beaches and parks.

2.22 [Reserved]

Deleted: 2.22 Signs advertising off-site non-coastal related uses or services shall be prohibited in public beaches and beach parks. Replacement of signs on lifeguard towers authorized pursuant to a Coastal Commission CDP prior to adoption of the LCP shall be allowed.¶

2.23 No new structures or reconstruction shall be permitted on a bluff face, except for stairways or accessways to provide public access to the shoreline or beach or routine repair and maintenance or to replace a structure destroyed by natural disaster. (see LIP 17.42.040 F)

2.24 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.

2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation. (see LIP 17.08.120 A)

2.26 Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided. (see LIP 17.08.120 A)

2.27 The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, imposition of

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maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation. (see LIP 17.08.120 A)

2.28 Public access to the shoreline, inland trails, or parklands shall be protected along private street easements where there is substantial evidence that prescriptive rights exist. (see LIP 17.46.070 F)

Deleted: Gates, guardhouses, barriers or other structures designed to regulate or restrict access

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2.29 Parking facilities for new development of general office or commercial use, which impacts public access and recreation, shall be designed such that the parking facility will serve not only the development during ordinary working hours, but also public beach parking during weekends and holidays. (see LIP 17.08.120 D)

2.30 A program to utilize existing parking facilities for office and commercial development located near beaches for public access parking during periods of normal beach use when such development is not open for business should be considered.

Deleted: developed. As feasible, new non-visitor serving office or commercial development shall be required to provide public parking for beach access during weekends and holidays

2.31 All unpermitted signs and/or physical barriers which prevent public parking near the shoreline shall not be permitted. (see LIP 17.08.120 A)

Deleted: The City should complete an inventory of existing public parking along Pacific Coast Highway and public roads seaward of PCH to identify all unpermitted signage or physical barriers to public parking and to establish a database to aid in preventing future loss of legal public access and parking.

2.32 Landscaping and any other barriers or obstructions placed by private landowners shall not be allowed within existing public road rights-of-way where such areas would otherwise be available for public parking.

2.33 Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.

2.34 Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources. (see LIP 17.46.100 H)

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2.35 Facilitate the provision of lower cost overnight visitor accommodations (e.g., campground, RV park, hostel, or lower cost hotel/motel). (see LIP 17.46.100 H)

Deleted: New development of luxury overnight visitor-serving accommodations shall be designed to provide for a component of

2.35a The City shall undertake a study to determine the nexus between development of new luxury overnight visitor serving accommodations and the need for lower cost overnight visitor accommodations (e.g., campground, RV park, hostel, or lower cost hotel/motel). Should a nexus be found to exist, the City shall implement a program to require new development of luxury overnight visitor serving accommodations to provide a component of luxury overnight visitor serving accommodations, either onsite or offsite, or pay an in-lieu fee to subsidize the cost of developing lower cost overnight visitor serving accommodations within the coastal zone of Los Angeles or Ventura Counties.

Deleted: The lower-cost visitor accommodations may be provided on-site, off-site, or through payment of an in-lieu fee into a fund to subsidize the construction of lower-cost overnight facilities in the Malibu-Santa Monica Mountains Coastal Zone area of Los Angeles County or Ventura County. The applicant shall be required to provide lower-cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approve

2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities. (see LIP 17.46.100 H)

2.37 Visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches are encouraged. The scale and intensity of the visitor-serving commercial recreational uses, when adjacent to public parks and recreation areas, shall be compatible with the character of the nearby parkland or recreation area.

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Deleted: . Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the

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2.38 To help finance the construction and maintenance of new accessways, the use of private or public grants or other local, State and Federal funding sources shall be utilized.

2.39 The City shall not close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for unless determined to be necessary for public safety without first obtaining a Coastal Development permit. (see LIP 17.48.030A)

2.39a Any accessway which the City or any other managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway for public use. In general, maintenance of the accessway by a public agency is preferred to maintenance by a quality private entity. (see LIP 17.46.100)

Deleted: 2.40 For any project where the LCP requires an offer to dedicate an easement for a trail or for public beach access, a grant of easement may be recorded instead of an offer to dedicate an easement, if a government agency or private association is willing to accept the grant of easement and is willing to operate and maintain the trail or public beach accessway.

2.40 [Reserved]

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2.41 For all offers to dedicate an easement that are required as conditions of Coastal Development Permits approved by the City, the City has the authority to approve a qualified private association that seeks to accept the offer and demonstrates the ability to maintain the easement in a safe and healthy manner. Any government agency may accept an offer to dedicate an easement if the agency is willing to operate and maintain the easement. (see LIP 17.46.070 H 4)

Deleted: The City shall approve any private association that submits a management plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate the easement.

2.41a Offer beach agreements in areas where the beach is bordered by residential development. The agreements may establish permitted and prohibited uses and condition of use (such as hours and areas subject to use), taking into account the particular beach's characteristics, potential recreational opportunities and existence of public vertical and lateral access.

2.41b Undertake required fee studies and impose appropriate development fees to mitigate the impacts of commercial development on beach access and explore other methods to finance the construction and maintenance of new vertical access points.

2.41c Classify beaches and parks according to their ability to withstand adverse impacts associated with human use, and work with other agencies to regulate their use accordingly. Each beach and park shall be treated consistent with its individual characteristics and environmental carrying capacity.

2.41d Designate appropriate shoreline areas for launching of non-motorized watercraft, such as catamarans, skiffs and dinghies.

1. Trails and Bikeways

2.42 Safe and accessible bikeways and support facilities shall be provided, where feasible, through the development and adoption of a Bikeways Plan in the City's Coastal Zone.

2.43 Existing bikeway corridors along roads and highways should be upgraded, as feasible, to eliminate the present hazards between motor vehicles and bicycles, consistent with the sensitive environmental resource and visual resource protection policies. Improvements to any roadway containing a bikeway should not adversely affect the provision of bicycle use, to the extent feasible.

2.44 Proposals to install bike racks, lockers, or other devices for securing bicycles in convenient locations at beach and mountain parks, parking lots throughout the City, trailheads and other staging areas shall be permitted. Funding should be supported and provided where available. (see LIP 17.10.010)

2.45 An extensive public trail system has been developed across the Santa Monica Mountains that provides public coastal access and recreation

opportunities. This system includes trails located within state and national parklands as well as those which cross private property in the City and County. The City's existing and proposed trails are shown on the LUP Park Lands Map.

2.45a A safe trail system shall be provided throughout the mountains and along the shoreline that achieves the following:

- a. Connects parks and major recreational facilities;
- b. Links with trail systems of adjacent jurisdictions;
- c. Provides recreational corridors between the mountains and the coast;
- d. Allows for flexible, site-specific design and routing to minimize impacts on adjacent development, and fragile habitats. In particular, ensure that trails located within or adjacent to Environmentally Sensitive Habitat Areas are designed to protect fish and wildlife resources;
- e. Provides connections with populated areas;
- f. Includes trails designed to accommodate multiple use (hiking, biking and equestrian) where multiple use can be provided safely for all users and where impacts to coastal resources are minimized;
- g. Reserves certain trails for hiking only;
- h. Facilitates linkages to community trail systems;
- i. Provides diverse recreational and aesthetic experiences;
- j. Prohibits public use of motorized vehicles on any trail;
- k. Provides public parking at trail head areas;
- l. Ensures that trails are used for their intended purpose and that trail use does not violate private property rights;

2.46 The appropriate agency or organization to accept and develop trail dedication offers resulting from City issued CDPs shall be determined through coordination with appropriate public agencies and nonprofit land trusts or associations. (see LIP 17.46.070 H 6)

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Deleted: the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, the Santa Monica Mountains Coastal Conservancy, and the Santa Monica Mountains Trails Council,

2.47 A strategic plan for the acceptance, construction, and operation of existing recorded trail easement offers which have not been accepted by a public agency or private association should be developed to address said trail easement offers no later than two years from the date of LCP certification and City approval of the LCP. The strategic plan shall be incorporated into the LCP as an amendment.

2.48 Development of public or private trail campsites along primary trail routes shall be a conditionally permitted use, where impacts to environmentally sensitive

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habitat areas and visual resources are minimized and where designed to meet fire safety standards. (see LIP Table 17.08B)

2.49 A trail offer of dedication shall be required in new development where the development causes or contributes to adverse public access impacts, and the property contains a LCP mapped trail alignment or where there is substantial evidence that prescriptive rights exist. An existing trail for which there is substantial evidence that prescriptive rights exist may be relocated as long as the new trail alignment offers equivalent public use. Both new development and the trail alignment shall be sited and designed to provide maximum privacy for residents and maximum safety for trail users. (see LIP 17.46.070 F)

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2.50 The opening of a trail easement that was dedicated for public use as a term or condition of a Coastal Development Permit shall occur only after a public agency or private association has accepted the offer of dedication and agreed to open, operate, and maintain the trail. New offers to dedicate public trail easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with adjudicated prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer. (see LIP 17.46.070 H)

2.51 A uniform signage program shall be developed and utilized to assist the public in locating and recognizing trail access points. (see LIP 17.08.130 E11)

Deleted: In areas containing environmentally sensitive habitat or safety hazards, signs shall be posted in English and in Spanish with a description of the sensitive habitat or safety hazard once the trail is opened by a public agency or private association.¶

2.52 Trail areas that have been degraded through overuse or lack of maintenance should be restored by such techniques as revegetation with native plants, and through the provision of support facilities such as parking, trash receptacles, restrooms, picnic areas etc. In environmentally sensitive habitat areas a limited recovery period during which public access should be controlled may be necessary. Any limitation on access shall be for the minimum period necessary, shall be evaluated periodically to determine the need for continued limited use and shall require a Coastal Development Permit. (see LIP 17.46.070)

2.53 Efforts to obtain public and/or private funding for the purchase of parcels and/or easements to complete all gaps in the public trail system throughout the City and Santa Monica Mountains Coastal Zone should be encouraged.

2. California Coastal Trail

2.54 The City shall participate and consult with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, the Santa Monica Mountains Conservancy, Los Angeles and Ventura Counties, and other appropriate public and private entities and interested parties in designing,

locating, funding, acquiring, and implementing the Malibu/Santa Monica Mountains California Coastal Trail (CCT) segment.

2.55 The California Coastal Trail shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent Coastal jurisdictions (Los Angeles and Ventura Counties).

2.56 The CCT shall be designed and implemented to achieve the following objectives:

- a. Provide a continuous walking and hiking trail as close to the ocean as possible;
- b. Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
- c. Maximize connections to existing and proposed local trail systems;
- d. Ensure that all segments of the trail have vertical access connections at reasonable intervals;
- e. Maximize ocean views and scenic coastal vistas;
- f. Provide an educational experience where feasible through interpretive facilities.

2.57 CCT Siting and Design Standards:

- a. The trail should be sited and designed to be located along or as close to the shoreline where physically and aesthetically feasible. Where it is not feasible to locate the trail along the shoreline due to natural landforms or legally authorized development that prevents passage at all times, inland bypass trail segments located as close to the shoreline as possible should be utilized. Shoreline trail segments that may not be passable at all times should provide inland alternative routes.
- b. Where gaps are identified in the trail, interim segments should be identified to ensure a continuous coastal trail. Interim segments should be noted as such, with provisions that as opportunities arise, the trail shall be realigned for ideal siting. Interim trail segments should meet as many of the CCT objectives and standards as possible.
- c. The CCT should be designed and located to minimize impacts to environmentally sensitive habitat areas to the maximum extent feasible. Where appropriate, trail access should be limited to pass and repass. Where necessary to prevent disturbance of nesting birds, sections of the trail may be

closed on a seasonal basis. Alternative trail segments shall be provided where feasible.

- d.** The CCT should be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible.
- e.** To provide a continuously identifiable trail along the base and shoreline of the Santa Monica Mountains, the trail should be integrated with the CCT in Ventura and Los Angeles Counties which border the City.
- f.** The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance. In locations where the trail must cross a roadway, appropriate directional and traffic warning signing should be provided.

2.58 CCT Acquisition and Management:

- a.** Trail easements should be obtained by encouraging private donation of land, by public purchase, or by dedication of trail easements. Trail easement dedications shall be required as a condition of approval of a Coastal Development Permit for development on property located on the CCT route, when the dedication will mitigate adverse impacts on public access and/or recreation by the project.
- b.** The CCT plan should identify the appropriate management agency(s) to take responsibility for trail maintenance.

2.59 CCT Signage Program Standards:

- a.** The trail should provide adequate signage at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads which incorporate the CCT logo (to be designed).
- b.** The trail should provide adequate safety signage, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments. Where appropriate signs should be developed in coordination with Caltrans and/or City and County Public Works Departments and any other applicable public agencies.
- c.** Signs shall be posted in Spanish and in English.

2.60 CCT Support Facilities. To maximize access to the CCT, adequate parking and trailhead facilities should be provided.

2.61 CCT Mapping:

- a. The final CCT map shall identify all planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed restricted sections and sections subject to an Offer-to-dedicate (OTD). The map shall be updated on a regular basis.
- b. The CCT shall be identified on all applicable City Trail Maps contained in the LCP Access Component.

2.62 Inclusion of CCT in LCP. The LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.

3. Shoreline Access

2.62a Recognizing the sensitivity of Malibu's natural environment, ensure that new access to the beach and shoreline is consistent with the protection of coastal resources and conservation. (see LIP 17.46.060 B1)

2.62b The City shall require new development to provide and/or protect reasonable and equitable beach access for the public in a manner that respects both the rights of the individual property owner and the public's rights of access. (see LIP 17.46.070)

2.62c Exceptions to vertical access requirements may be made regarding beaches identified as those requiring limitations on access in order to protect fragile coastal resources. (see LIP 17.46.060 B1)

2.63 Consistent with the policies below, maximum public access from the nearest public roadway to the shoreline and along the shoreline shall be provided in new development. Exceptions may occur only where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Such access can be lateral and/or vertical. Lateral access is defined as an accessway that provides for public access and use along the shoreline. Vertical access is defined as an accessway which extends to the shoreline, or perpendicular to the shoreline in order to provide access from the first public road to the shoreline. (see LIP 17.46.070)

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2.64 An Offer to Dedicate (OTD) an easement for lateral public access shall be required for all new oceanfronting development causing or contributing to adverse public access impacts. Such easement shall extend from the mean high tide line landward to a point fixed at the most seaward extent of development (i.e., intersection of sand with toe of revetment, vertical face of seawall, dripline of deck, or toe of bluff). (see LIP 17.46.070 H)

2.65 [Reserved]

2.66 An Offer to Dedicate (OTD) an easement for vertical access shall be required in all new development projects causing or contributing to adverse public access impacts, consistent with the guidelines contained in Policy 2.86. Where there is substantial evidence that prescriptive rights of access to the beach exist on a parcel, development on that parcel must be designed, or conditions must be imposed, to avoid interference with the prescriptive rights that may exist. (see LIP 17.46.070 B)

2.67 [Reserved]

2.68 New development located on the seaward side of Pacific Coast Highway and east of Malibu Creek shall be required to construct a public sidewalk with a minimum width of five feet between the approved development and Pacific Coast Highway, where feasible.

2.69 Provide for the maintenance of dedicated accessways prior to their opening Dedicated accessways shall not be required to be opened to public use until a public agency or qualified private association agrees to accept the responsibility for maintenance and operation of the accessway. (see LIP 17.46.070 H 2)

2.70 Offers to dedicate public access shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. (see LIP 17.46.070 H 6)

2.71 [Reserved]

2.72 A uniform signage program shall be developed and utilized to assist the public in locating and recognizing shoreline access points. (see LIP 17.08.130 E11)

2.73 Maximum public access shall be provided in a manner which minimizes conflicts with adjacent uses. (see LIP 17.46.050, 17.46.060, and 17.46.070)

2.74 Where a proposed project would increase the burdens on access to or along the shoreline, additional access may be required to balance or mitigate the impact resulting from construction of the project. (see LIP 17.46.070 F)

Deleted: 2.65 On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the ambulatory mean high tide line landward to the ambulatory seawardmost limit of dune vegetation. If at some time in the future, there is no dune vegetation seaward of the approved deck/patio line, such easement shall be located from the ambulatory mean high tide line landward to the seaward extent of the property. ... [1]

Deleted: when adequate access is not available within 500 feet of the development site. Vertical accessways shall be a minimum of 10 feet in width and should be sited along the border or side property line of the project site or away from existing or proposed development to the maximum feasible extent. ... [2]

Deleted: 2.67 Facilities to complement public access to and along the shoreline should be provided where feasible and appropriate. This may include parking areas, restroom facilities, picnic tables, or other such improvements. No facilities or amenities, including, but not limited to, those referred to in the list, shall be required. ... [2]

Deleted: New offers to dedicate public access shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights in the areas subject to the easement prior to acceptance of the offer and 2) prohibits any development or obstruction in the area. ... [3]

Deleted: Unless there are unusual circumstances, the accessway shall be opened within 5 years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private association expressly requests ownership of the easement in order to open it to the public, the City shall be required to do so. ... [4]

Deleted: 2.71 Public agencies and private associations which may be appropriate to accept offers of dedication include, but shall not be limited to, the State Coastal Conservancy, the Department of Parks and Recreation, the State Lands Commission, the County, the City, the Santa Monica Mountains Conservancy, and the Malibu Creek State Park. ... [5]

Deleted: In environmentally sensitive habitat areas signs may be posted with a description of the sensitive habitat. Signs shall be posted in English and Spanish. ... [6]

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2.75 Accessways or areas adjacent to accessways that have been severely degraded as the result of intense and/or unrestricted use should be restored by such techniques as revegetation with native plants, trail consolidation and improvement and through the provision of support facilities such as parking, defined trail and/or beach walk stairway systems, raised wooden boardwalks, trash receptacles, restrooms, picnic areas. In severely degraded areas controlled and limited public access may be allowed during the recovery period subject to a coastal development permit and consultation with appropriate public agencies and/or resource specialists. Any limitation of public use shall be evaluated periodically to determine the need for continued limited use and the limitation shall be removed at the termination of the recovery period. (see LIP 17.46.070)

2.76 Proposals to open and provide increased public access to El Sol and Dan Blocker Beaches, where feasible, shall be supported and coordinated with the Los Angeles County Department of Beaches and Harbors.

2.77 Acquisition of parcels owned by Caltrans, which may be appropriate for public recreational use, should be supported.

2.78 [Reserved]

2.79 The City should continue to support and coordinate with the California Department of Parks and Recreation in improving access to Point Dume State Preserve by ensuring that adequate public parking is provided consistent with the terms of the settlement agreement between the City, State Department of Parks and Recreation and the Coastal Commission. Where applicable, the City should support and coordinate with the Department of Parks and Recreation in designing and constructing trails consistent with ongoing efforts to restore, enhance and protect sensitive resources.

2.80 In consultation and coordination with the State Lands Commission, all unauthorized or illegal development, including signs, which encroach onto State tidelands should be identified and removed. In particular, and in coordination with the State Lands Commission, existing signs at Broad Beach which purport to identify the boundary between State tidelands and private property that are determined to be unpermitted development should be removed.

2.81 No signs other than those typically associated with a residence or expressing protecting political speech (e.g., "Beware of Dog," "Vote for 'X'", "No Solicitors") shall be posted on a beachfront property unless authorized by a coastal development permit. All signs on public beaches shall require authorization by a coastal development permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that

Deleted: 2.78 If an agreement is reached by the State Department of Parks and Recreation to relocate the existing athletic fields at Malibu Bluffs State Park out of the prime view shed of the park onto the 24.9 acre Crummer Family Trust parcel which is adjacent to the State Park on the east and south of Pacific Coast Highway up to 8 residential units shall be permitted on the remainder of the (Crummer Trust) site. Said agreement shall cause the redesignation of the subject site to Residential in the LCP. Said agreement shall not exempt the residential development from compliance with all other provisions of the LCP. If no agreement is reached to relocate the existing athletic fields the permitted use on the Crummer Trust parcel shall remain CV-2 (Commercial Visitor Serving).¶

Deleted: 2.81 No signs shall be posted on a beachfront property or on public beach

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public access to State tidelands or public lateral access easement areas is restricted shall not be permitted. (see LIP 17.08.130 C)

2.82 Efforts to develop and publish a regional access guide to Malibu area beaches and trails should be encouraged and supported.

2.83 Efforts to ensure that all existing shoreline and inland trail OTD easements are accepted prior to their expiration date shall be coordinated with other public agencies as appropriate.

4. Beach and Blufftop Accessway Standards

2.84 The frequency of public access locations shall vary according to localized beach settings and conditions as set forth below. Vertical access standards and related dedication requirements may range from none in areas of major public beach holdings to one accessway per 1, 320 feet of shoreline unless otherwise specified in Policy 2.86. This requirement shall not preclude the provision or requirement of vertical accessways at less than 1, 320 feet separation if a public agency or private landowner offers to dedicate such access or if a project related impact warrants such access (offer-to-dedicate) as a condition of approval.

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2.85 Improvements and/or opening of accessways already in public ownership or accepted pursuant to a Coastal Permit shall be permitted regardless of the distance from the nearest available vertical accessway.

5. Specific Vertical Accessway Standards

2.86 The following guidelines are intended to help carry out the access policies of the LCP relative to requiring and locating vertical accessways to the shoreline, where new development is found to cause or contribute to adverse public access impacts. These guidelines shall not be used as limitations on any access requirements pursuant to the above policies.

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a. Nicholas Canyon

No new dedications required – public beach.

b. Encinal

A minimum of two vertical accessway (OTDs) between Nicholas Canyon and El Pescadero for a separation of approximately one accessway per 2500 feet. Development of an accessway at El Sol may satisfy one of the requirements. Additional offers of dedication should be located at least 600 feet west of El Sol.

c. Lechuza

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Requirement for, or public acquisition of, two vertical access (OTDs) with a separation of approximately ¼ mile (1,320 feet).

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Deleted: or requirements for

d. Trancas / Broad Beach

- (1) Requirement for, or public acquisition of vertical access with a separation of approximately ¼ mile (1,320 feet).

Deleted: • Public acquisition of and/or requirements for vertical access every 1,000 feet of shoreline.¶

- (2) Where access through dunes is necessary, well-defined foot paths shall be developed and used.

e. Zuma

No new dedications required – public beach.

f. Point Dume State Beach / Westward Beach

No new dedications required – public beach.

g. Dume Cove / Point Dume State Reserve

- (1) Maintain the existing vertical access to the beach from the blufftop headlands parking lot.

- (2) Maintain the existing vertical access to and lateral access along the blufftop at the Point Dume headlands for coastal view purposes and passive recreation, with a minimum of two established viewpoints at least 500 feet apart.

- (3) Maintain the existing provision and protection of public parking pursuant to the terms of the settlement agreement between the City, the State Department of Parks and Recreation and the Coastal Commission shall be required.

h. Paradise Cove

- (1) Support public acquisition of sandy beach for passive recreational purposes and other recreation-supporting facility (e.g., restored pier).
- (2) If public acquisition of sandy beach is not feasible, requirement for or public acquisition of vertical access with a separation of approximately ¼ mile (1,320 feet).
- (3) There should be no provision for uncontrolled public access in the western portion of Paradise Cove, as this area provides a natural protective buffer between the sensitive Point Dume area and the more intensively used Paradise Cove.

Deleted: every 1,000 feet of shoreline (

Deleted: no fewer than two

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Escondido Beach – Malibu Cove Colony¶

• Requirement for or public acquisition of vertical access every 1,000 feet of shoreline (with at least two additional accessways to those existing at Escondido Creek and Seacliff).¶

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i. Escondido Beach – Malibu Cove Colony

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(1) No additional public acquisition requirement.

(2) Maintain and operate 2 existing vertical accessways.

(3) Improve and open 3 existing vertical access easements.

j. Latigo Beach

(1) No additional public acquisition requirement.

(2) Improve and open existing vertical accessway and OTD.

k. Dan Blocker Beach

No additional public acquisition requirement.

l. Malibu Beach Road (Amarillo and Puerco Beach)

(1) No additional public acquisition requirement.

(2) Maintain and operate existing accessway (5 are open).

(3) Enhance trail connections to Malibu Bluffs State Park.

m. Malibu Beach

No additional public acquisition requirement.

n. Malibu Lagoon State Beach / Surfrider Beach

No dedications required – public beach.

o. Carbon Beach

(1) Requirement for or public acquisition of vertical access with a separation of approximately ¼ mile (1,320 feet).

(2) Improve and open 2 existing vertical access OTDs.

(3) Maintain and operate existing “Zonker Harris” vertical accessway.

p. La Costa / Las Flores Beaches

(1) Requirement for or public acquisition of vertical access with a separation of approximately ¼ mile (1,320 feet).

(2) Improve and open vertical access easement at Las Flores Creek.

(3) Improve and open parcel at 21704 PCH at western end.

q. Big Rock Beach

Deleted: • Requirement for or

Deleted: of vertical access dedication on property seaward of and fronting Latigo Shore Drive to meet standard of one accessway every 1,000 feet

Deleted: • Requirement for or acquisition of public viewpoint on the blufftop at Pacific Coast Highway (PCH) or public street seaward of PCH.¶

Deleted: • Improvement of existing vertical accessway, public parking and restroom facilities on portion of shoreline owned by Los Angeles County.¶

Deleted: • Requirement for or

Deleted: of vertical access every 1,000 feet of shoreline

Deleted: • Improve and open existing 100 foot wide vertical access OTD for public use in accordance with the site plan approved by the California Coastal Conservancy on August 8, 2002.¶

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Deleted: • Public vertical access dedications or

Deleted: to meet the minimum standard of one accessway per 1,000 feet of shoreline from properties located seaward of and fronting on

Deleted: Road.¶
Malibu

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(1) Requirement for, or public acquisition of vertical accessways with a separation of approximately ¼ mile (1,320 feet).

(2) Maintain and operate 2 existing accessways.

Deleted: • Dedication of one vertical accessway every 1,000 feet of shoreline.¶
•

r. Las Tunas Beach

(1) Requirement for, or public acquisition of vertical accessways with a separation of approximately ¼ mile (1,320 feet).

(2) Improve and open existing vertical access OTD and Deed Restriction.

Deleted: • Dedication of one vertical accessway every 1,000 feet of shoreline.¶
•

6. Recreational Boating

2.87 Vessel operations near the shoreline, including launching and landing at beaches, shall be done in a safe and responsible manner.

2.88 Boat storage facilities which do not restrict coastal access and which do not impair coastal resources may be permitted in the vicinity of existing launch facilities.

2.89 Other than the State of California or its grantee acting pursuant to the public trust doctrine, no new development shall obstruct the public's right of use of tidelands pursuant to the public trust doctrine or a public easement in navigable waters.

2.90 Future development of Paradise Cove is appropriate at the eastern end; however, because increased boat traffic increases the potential for local petroleum contamination, there should be no increase of boat traffic that could result in reduction in the size of kelp beds.

CHAPTER 3—MARINE AND LAND RESOURCES

A. Introduction

The Santa Monica Mountains region, including the City of Malibu, is a unique habitat area. On a global scale, the area is part of the Mediterranean Scrub biome. This biome type is found in only five areas worldwide: around the Mediterranean Sea, Chile, South Africa, Australia, and Southern California. All of these areas occur on the west coast of the respective continents where there are cold ocean currents offshore. The Mediterranean climate includes wet winters and dry summers with precipitation ranging from 15 to 40 inches per year. Temperatures are moderated by the maritime influence and fog associated with the cold ocean currents. Worldwide, this biome occupies a small area and a very small percentage of the historical extent remains undisturbed.

The Santa Monica Mountains are part of the Transverse Ranges, the only mountain range in California that is oriented in an east to west direction. The Transverse Ranges extend from the Santa Barbara Coast to the Mojave Desert, creating a natural barrier between Central and Southern California. There are several habitat types and individual plant species within the City that are considered sensitive. The Department of Fish and Game has identified habitats that are considered sensitive because of their scarcity and because they support a number of endangered, threatened, and rare plants, as well as sensitive bird and animal species. These vegetation communities found within the City include coastal sage scrub, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, salt marsh, and freshwater marsh. Within these habitat areas are several plant species that are considered endangered, threatened, rare, or of special concern under state or federal law or due to other compelling evidence of rarity, for example, by designation of the California Native Plant Society. Such plants include Santa Susana tarplant, Coulter's saltbush, Blochman's dudleya, Santa Monica Mountains dudleya, and Plummer's mariposa lily.

Large areas of contiguous habitat are particularly rare. For instance, approximately 85 percent of the historical extent of coastal sage scrub habitat has been lost across the State and the remaining areas are therefore much more fragmented and sensitive. Coastal wetlands have become increasingly rare. Malibu Lagoon is a valuable resource, supporting two endangered fish species, the Tidewater Goby and the Southern California Steelhead Trout as well as many other sensitive plant and animal species. It is estimated that less than 10 percent of riparian woodland habitats still exist in California. Riparian areas are recognized as a very complex habitat type, containing a highly diverse community of plants and animals. There are many riparian areas in the City, including those that are part of relatively intact watershed systems, and those that are surrounded by existing development. Even in developed areas, the

riparian/stream corridors have been retained. The Santa Monica Mountains, including the City, still include large areas of intact habitat, an extraordinary fact given the dense urban development that surrounds the area.

1. Coastal Act Provisions

One of the chief objectives of the Coastal Act is the preservation, protection, and enhancement of coastal resources, including land and marine habitats, and water quality. The rarest and most ecologically important habitats are protected from development. The Coastal Act provides a definition of "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

Section 30240 requires the protection of environmentally sensitive habitat areas (ESHA) against any significant disruption of habitat values. No development, with the exception of uses dependent on the resources, is allowed within any ESHA. (However, Section 30240 must be applied in concert with other Coastal Act requirements, particularly Section 30010, which prohibits taking private property.) This policy further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. Finally, development adjacent to parks and recreation areas must be sited and designed to prevent impacts.

In addition to protection as ESHA, streams and associated riparian habitat are also protected in order to maintain the biological productivity and quality of coastal waters. Section 30231 requires that natural vegetation buffer areas that protect riparian habitats be maintained, and that the alteration of natural streams be minimized. Section 30236 limits channelizations, dams, or other substantial alterations of rivers and streams to only three purposes: necessary water supply; protection of existing structures where there is no feasible alternative; or improvement of fish and wildlife habitat.

Marine resources are protected to sustain the biological productivity of coastal waters and to maintain healthy populations of all species of marine organisms. Section 30230 requires that marine resources be maintained, enhanced, and where feasible restored. Uses of the marine environment must provide for the biological productivity of coastal waters and that will maintain healthy populations of marine organisms. Section 30233 provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and restricted to a limited number of allowable uses.

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Finally, the Coastal Act requires that the biological productivity and quality of coastal waters be protected. Section 30231 requires the use of means, including managing waste water discharges, controlling runoff, protecting groundwater and surface water, encouraging waste water reclamation, and protecting streams, in order to maintain and enhance water quality.

2. Land Use Plan Provisions

The LUP contains policies that protect the environmentally sensitive habitat areas of the City. The LUP Environmentally Sensitive Habitat Areas (ESHA) Map shows the areas that are designated ESHA. In undeveloped areas, entire canyon habitats have been designated, including riparian corridors, coastal sage scrub, chaparral, and woodlands. Within developed areas, riparian corridors are designated as ESHA. Coastal dunes and bluff face areas are designated as ESHA. There are also valuable marine resource areas including kelp forests, intertidal areas, and near shore shallow fish habitats. The ESHA Map will be reviewed and updated periodically to reflect up to date information and necessary revisions shall be made as an amendment to the LUP.

Deleted: On Point Dume, the streams and riparian corridors are designated ESHA. These areas are recognized as rare and functioning for wildlife, notwithstanding the disturbances resulting from adjacent residential development.

The LUP policies establish that the presence of ESHA not already designated on the ESHA map shall be determined on the basis of site-specific study prior to the approval of any development. Such determinations shall be reviewed by the City's Environmental Review Board. Habitat area found to meet the definition of ESHA shall be accorded all protection provided for ESHA by the LUP. ESHA shall be protected against significant disruption of habitat values and only resource dependent uses may be permitted within ESHA. If the application of the ESHA policies would result in taking private property for public use, without the payment of just compensation, then a use that is not resource dependent will be permitted in accordance with Policies 3.10 through 3.13. The LUP sets forth the process and parameters for approval of such a use.

The LUP policies establish the protection of areas adjacent to ESHA and adjacent to parklands through the provision of buffers. Natural vegetation buffer areas must be provided around ESHA or parkland that are of sufficient size to prevent impacts that would significantly degrade these areas. Development, including fuel modification, shall not be permitted within required buffer areas. The LUP policies require that new development be sited and designed to minimize impacts to ESHA by minimizing grading, limiting the removal of natural vegetation, and prohibiting grading during the rainy season. Graded and other disturbed areas must be landscaped or revegetated with primarily native, drought resistant plants at the completion of grading. If new development removes or adversely impacts native vegetation, measures to restore disturbed or degraded habitat on the project site shall be included as mitigation, if feasible. Fencing must be limited, and in or adjacent to ESHA, must be sited and designed to allow

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wildlife to pass through. The LUP requires exterior lighting to be limited in intensity and shielded to minimize impacts on wildlife.

The LUP policies require that new development minimize the removal of native vegetation. The policies acknowledge that vegetation is often required by the Fire Department to be removed, thinned or otherwise modified in order to minimize the risk of fire hazard. Fuel modification on the project site and brush clearance, if required, on adjacent sites reduces the fire risk for new or existing structures. The LUP, both in this chapter and the Hazards Chapter allows for required fuel modification to minimize the risk of fire. However, fuel modification removes watershed cover, and may remove or have impacts on ESHA. The LUP policies require that new development is sited and designed to minimize required fuel modification. Additionally, the policies require mitigation for impacts resulting from the removal, conversion, or modification of natural vegetation that cannot be avoided through the implementation of project alternatives. The mitigation to be provided includes one of three measures: habitat restoration, habitat conservation, or in-lieu fee for habitat conservation (once appropriate studies have been completed to support implementation of such a fee).

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The LUP requires the protection of native trees, including oak, walnut, and sycamore trees. Development must be sited and designed to avoid removal of trees and encroachment into the root zone of each tree. Where the removal of trees cannot be avoided by any feasible project alternative, replacement trees must be provided. Additionally, the policies require that if on-site mitigation is not feasible, then off-site mitigation must be provided either through the planting of replacement trees on a suitable site that is public parkland or otherwise restricted from development, or by providing an in-lieu fee (once appropriate studies have been completed to support implementation of such a fee). Any fees required through permits would be used to restore or create native tree habitat as mitigation.

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The LUP policies establish parameters for the development of agricultural uses or confined animal facilities. The policies allow for the development of accessory structures for confined animals or corrals in conjunction with an existing or new residential project within the approved development area. Additionally, confined animal or corral facilities may be included within the required fuel modification area if they are not located on a steep slope, are constructed from non-flammable materials, and do not require additional grading other than minor grading for foundations or fuel modification. Within or adjacent to ESHA, crop, orchard, or vineyard uses may be permitted only in conjunction with an existing or new residential use and within the required irrigated fuel modification area for any approved structures.

The LUP provides protection for marine resources such as kelp forests, intertidal areas, and near shore shallow fish habitats. Although development proposed in

tidelands or submerged lands would remain under the permit jurisdiction of the Coastal Commission, the LUP provides guidance regarding the protection of marine areas. The LUP ESHA Map also shows marine resource areas.

The LUP policies provide for the protection of wetlands. The biological productivity and the quality of wetlands shall be protected and where feasible restored. The policies set forth the limited instances in which the diking, filling or dredging of wetlands or open coastal waters could be allowed, where there is no feasible less environmentally damaging alternative and where all feasible mitigation measures have been provided. Lagoon breaching or water level modification shall not be permitted until and unless a management plan for the lagoon is developed and approved, except in the case a health or safety emergency. The LUP provides for the development of a lagoon management plan for Malibu Lagoon, which is located within Malibu Lagoon State Beach. The LUP also provides for the protection of water quality. The policies require that new development protects, and where feasible, enhances and restores wetlands, streams, and groundwater recharge areas. The policies promote the elimination of pollutant discharge, including nonpoint source pollution, into the City's waters through new construction and development regulation, including site planning, environmental review and mitigation, and project and permit conditions of approval. Additionally, the policies require the implementation of Best Management Practices to limit water quality impacts from existing development, including septic system maintenance and City services. Finally, the policies require that the water quality objectives established in the California Water Quality Control Plan, Los Angeles Region (Basin Plan), and the policies established by the Los Angeles Regional Water Quality Control Board (RWQCB) in the Los Angeles County municipal stormwater permit and the Standard Urban Storm Water Mitigation Plan for Los Angeles County and the Cities in Los Angeles County (SUSMP) be incorporated into planning and implementation of new development.

B. Coastal Act Policies

The Coastal Act definition set forth below is incorporated herein as a definition of the Land Use Plan.

Section 30107.5

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
 - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - (7) Restoration purposes.
 - (8) Nature study, aquaculture, or similar resource dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.
- For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.
- (d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where

such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30241.5

- (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any

certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

- (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.
- (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

- (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

C. Land Use Plan Policies

1. Land Resources

a. ESHA Designation

3.1 Areas meeting the statutory definition contained in Section 30107.5 of the Coastal Act (areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and

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developments] are Environmentally Sensitive Habitat Areas (ESHAs) and are generally shown on the LUP ESHA Map. The ESHAs in the City include riparian stream corridors, native grasslands/ savannas, dunes, bluffs, and wetlands, that still support predominantly native vegetation. Areas occupied by plant or animal species designated as rare, threatened, or endangered under State or Federal law are also considered to be ESHA. In addition, native woodlands, coastal sage scrub, or chaparral may meet this definition where they are (1) part of the core habitat areas of the Santa Monica Mountains, and thus are contiguous with and part of the regionally significant block of unfragmented habitat along and from the main spine of the mountains or (2) located outside of the core habitat areas of the Santa Monica Mountains, but have sufficient functional connectivity with core habitat areas to allow movement of animals and exchange of plant and animal genetic material and are large enough to allow the essential biotic and abiotic processes of dynamic ecosystems to function and maintain long-term habitat viability. Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply. Existing developed areas, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA. (see LIP 17.30.030)

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3.1a Areas meeting the statutory definition of ESHA contained in Section 30107.5 of the Coastal Act shall be designated as "Environmentally Sensitive Habitat Areas (ESHAs), and generally shown on the LUP ESHA map. The LUP ESHA Map shall indicate all areas known to meet the definition of ESHA set forth in Policies 3.1 through 3.3, as well as those areas where habitat meeting the criteria of Policies 3.1 through 3.3 can reasonably be expected to occur. (see LIP 17.30.030)

3.2 If a Natural Community Conservation Plan (NCCP) is prepared in the future for the Santa Monica Mountains area that includes lands within the City of Malibu, it shall be submitted to the Coastal Commission for certification as an amendment to the LCP. Such NCCP shall be prepared as a joint effort of the California Department of Fish and Game and affected local jurisdictions. Coastal Commission staff will actively participate in the development of any proposed NCCP. The NCCP submitted to the Coastal Commission for certification shall represent a consensus between the DFG and affected local jurisdictions. If a comprehensive NCCP is certified by the Commission as consistent with the Coastal Act through amendment to the City of Malibu LCP, the amendment will include revised ESHA maps and criteria as appropriate based on the approved NCCP, which designate areas of ESHA where development can be allowed and areas that will continue to be protected and will be managed in perpetuity for their ecological resource values. If the Coastal Commission certifies a NCCP as an amendment to the City of Malibu Local Coastal Program, Malibu LCP ESHA maps and criteria will be consistent with the NCCP's reserve design.

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3.2a Areas with relatively undisturbed watershed areas containing complex systems of plant and animal habitats ranging from riparian areas in and near streams to chaparral, coastal sage scrub, grasslands, savannas, woodlands, and wetlands, and recognized as important in protecting ESHAs and contributing to the integrity of habitat systems, but that do not meet the statutory definition of ESHA, are considered to be "Resource Protection Areas," and are designated as such on the LUP ESHA map. These include:

- Trancas Canyon
- Zuma Canyon (Upper Portion)
- Solstice Canyon
- Corral Canyon

3.3 All Areas of Special Biological Significance and Marine Protected Areas (as designated by State and Federal regulatory agencies), shall be considered ESHA and shall be accorded the protection provided for ESHA in the LCP. (see 17.30.030A)

3.4 Any area not designated on the LUP ESHA Map that meets the ESHA criteria contained in Policies 3.1 through 3.3 is ESHA and shall be accorded all the protection provided for ESHA in the LCP. (see LIP 17.30.030)

3.5 Reserved

3.6 Any area mapped as ESHA or meeting the ESHA criteria set forth in Policies 3.1 through 3.3 shall not be deprived of protection as ESHA, as required by the policies and provisions of the LCP, on the basis that habitat that was mapped as ESHA or met ESHA criteria set forth in Policies 3.1 through 3.3 was illegally removed, or degraded, (see LIP 17.30.030 H)

3.7 If a site-specific biological study, prepared pursuant to Policy 3.35, contains substantial evidence that an area previously mapped as ESHA does not contain habitat that meets the definition of ESHA for a reason other than those set forth in Policy 3.6, the City Biologist, Environmental Review Board, or other City-appointed group of qualified resource management professionals shall, at the direction of the Planning Manager, review all available site-specific information to determine if the area in question should no longer be considered ESHA and not subject to the ESHA protection policies of the LUP, and to define the appropriate level of environmental protection for areas found not to meet the definition of ESHA. The Planning Manager shall provide the recommendation of the City Biologist, ERB, or other City-appointed group of qualified resource management professionals to the Planning Commission (or decision-making body for coastal permits) as to the ESHA status of the area in question. If the decision-making

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- Any habitat area that is rare or especially valuable from a local, regional, or statewide basis.¶
- Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law.¶
- Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations.¶
- Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.¶

Deleted: The LUP ESHA Map shall be reviewed every five years in co-operation with the Environmental Review Board and the resources agencies within the Santa Monica Mountains and updated to reflect current information, including information on rare, threatened, or endangered species. Areas subject to habitat restoration projects shall also be considered for designation as ESHA. Revisions to the map depicting ESHA shall be treated ... [6]

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body finds that an area previously mapped as ESHA does not meet the definition of ESHA, LCP policies and standards for protection of ESHA and ESHA buffer shall not apply, and development may be allowed (consistent with other LCP requirements) even if the ESHA map has not been amended. Once the boundary of the ESHA is precisely mapped, Policies 3.23 to 3.30 shall apply to buffer areas located adjacent to the ESHA. In addition, a modification shall be made to the LUP ESHA Map, as part of a map update, consistent with Policy 3.5. (see LIP 17.30.030)

Deleted: a modification shall be made to the LUP ESHA Map, as part of a map update, consistent with Policy 3.5. If an area is not ESHA or ESHA buffer,

3.7a Habitat areas that do not meet the definition of ESHA, but which nonetheless provide significant habitat value shall be designated "Resource Protection Areas" on the LUP ESHA map. Resource Protection Areas are to encompass significant habitat areas wherein a certain degree of development can be tolerated without significant disruption to habitat values, provided that such development is appropriately designed and sited within the least sensitive portions of the site. Resource Protection Areas are thus distinguished from ESHA in that ESHA represents areas whose environmental values are such that any non-resource dependent use would result in significant disruption of habitat values.

3.7b Woodlands, riparian stream corridors, native grassland/savannas, dunes, and bluffs that are found not to meet the definition of ESHA due to fragmentation or degradation of habitat resulting from existing development shall be considered to be "Resource Protection Areas."

3.7c Within three years following adoption of the Land Use Plan, detailed studies shall be undertaken by the City to ensure that the LUP ESHA map accurately reflects areas that meet the statutory definition of ESHA, areas that meet the criteria to be designated as Resource Protection Areas and the areas described in Policies 3.1 through 3.3, 3.4b, and 3.4c. Subsequently, the LUP ESHA Map shall be reviewed by the City every five years in co-operation with the resource agencies within the Santa Monica Mountains and updated to reflect current information, including information on rare, threatened, or endangered species. Areas subject to habitat restoration projects shall also be considered for designation as ESHA. Revisions to the map depicting ESHA shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission. In undertaking these efforts, the City's review shall include consultation with the City Biologist, Environmental Review Board, or other City-appointed group of qualified professionals with technical expertise in marine/coastal biotic resources, wetland/riparian habitat and restoration, and upland habitats and connectivity.

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b. ESHA Protection

3.8 Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (see LIP 17.30.010)

3.9 Public accessways and trails are considered resource dependent uses. Accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA. (see LIP 17.30.050)

3.10 [Reserved]

3.11 [Reserved]

3.12 No development shall be allowed in wetlands unless it is authorized under Policy 3.89. The development must be sited to avoid destruction of riparian habitat to the maximum extent feasible. Mitigation of adverse impacts to wetlands that cannot be avoided through the implementation of siting and design alternatives shall be required. (see LIP 17.30.070 G).

3.13 [Reserved]

3.14 New development shall be sited and designed to avoid significant impacts to ESHA. If there is no feasible alternative that can eliminate significant impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. (see LIP 17.30.060)

3.15 Mitigation measures for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Contingency actions shall be included in the mitigation plan, and shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures. (see LIP 17.30.070 G)

3.16 Dune ESHA shall be protected and, where feasible, enhanced. Vehicle traffic through dunes shall be prohibited. Where pedestrian access through

Deleted: 3.10 If the application of the policies and standards contained in this LCP regarding use of property designated as Environmentally Sensitive Habitat Area, including the restriction of ESHA to only resource-dependent use, would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat Area provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking.

Deleted: 3.11 Applications for development of a non-resource dependent use within ESHA or for development that is not consistent with all ESHA policies and standards of the LCP shall demonstrate the extent of ESHA on the property.

Deleted: For all ESHA other than wetlands, the allowable development area (including the building pad and all graded slopes, if any, as well as any permitted structures) on parcels where all feasible building sites are ESHA or ESHA buffer shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. If it is demonstrated that it is not feasible from an engineering standpoint to include all graded slopes within the approved development area, then graded slope areas may be excluded from the approved development area. For parcels over 40 acres in size, the maximum development area may be increased by 500 sq. ft. for each additional acre in parcel size to a maximum of 43,560-sq. ft. (1-acre) in size. The development must be ... [8]

Deleted: The allowable development area may be increased for projects that comprise two or more legal lots, if the existing lots are merged into one lot and one consolidated development area is provided with one access road or driveway. The allowable development area shall not exceed the total of the development area ... [9]

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Deleted: Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-s ... [10]

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dunes is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used. Nesting and roosting areas for sensitive birds such as western snowy plovers and least terns shall be protected by means, which may include, but are not limited to, fencing, signing, or seasonal access restrictions. (see LIP 17.30.060)

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3.17 Access to beach areas by motorized vehicles, including off-road vehicles shall be prohibited, except for beach maintenance, emergency or lifeguard services. Emergency services shall not include routine patrolling by private security forces. Such vehicular uses shall avoid sensitive habitat areas to the maximum extent feasible.

3.18 The use of insecticides, herbicides, or any toxic chemical substance which has the potential to significantly degrade Environmentally Sensitive Habitat Areas, shall be prohibited within and adjacent to ESHAs, where application of such substances would impact the ESHA, except where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration. Application of such chemical substances shall not take place within or adjacent to ESHAs, when rain is predicted within a week of application or during the rainy season where such application would significantly impact ESHAs.

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3.19 The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities shall be minimized.

3.20 Mosquito abatement within or adjacent to ESHA shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to ESHA.

3.21 Wildfire burn areas shall be allowed to revegetate naturally, except where re-seeding is necessary to minimize risks to public health or safety. Where necessary, re-seeding shall utilize a mix of native plant seeds appropriate for the site and collected in a similar habitat within the same geographic region, where feasible. Wildfire burn areas that were previously subject to fuel modification or brush clearance for existing structures, pursuant to the requirements of the Los Angeles County Fire Department, may be revegetated to pre-fire conditions.

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3.22 Interpretive signage may be used in ESHA accessible to the public to provide information about the value and need to protect sensitive resources. (see LIP 17.08.130 E11)

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c. Resource Protection Areas

3.22a Within Resource Protection Areas, uses shall be limited to resource-dependent uses, agriculture, and low intensity residential development, and shall be sited to minimize habitat fragmentation and potential loss of native vegetation and habitat connectivity. (see LIP 17.30.050)

3.22b Development permitted within Resource Protection Areas shall be clustered to the maximum feasible extent. (See LIP Section 17.30.050)

3.22c Proposed development within Resource Protection Areas shall be designed to ensure that grading, vegetative clearance and fuel modification, and the potential for soil erosion are minimized, and that the individual and cumulative impact of each development within a Resource Protection Area, including potential impacts on the biological integrity of designated ESHAs and the overall ecological functions and long-term viability of habitats within the Santa Monica Mountains and coastal strand are defined and mitigated. (see LIP 17.30.060)

d. Areas Adjacent to ESHA and Parks

3.23 Development adjacent to ESHAs shall minimize significant impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers shall be a minimum of 100 feet in width, unless a reduced buffer would ensure the biological integrity of and protection of the ESHA or is necessary to allow for reasonable development. Proposed reductions in ESHA buffer areas shall require the review and approval of the City Biologist, and may not be reduced to less than 50 feet, unless a variance is granted. (see LIP 17.30.060)

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3.24 New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width. (see LIP 17.30.060)

3.25 New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required ESHA or park buffer areas, except for that case addressed in Policy 3.23. Habitat restoration and invasive plant eradication may be

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permitted within required buffer areas if designed to protect and enhance habitat values.

3.26 Required buffer areas shall extend from the following points:

- a. The outer edge of the canopy of riparian vegetation for riparian ESHA.
- b. The outer edge of the tree canopy for oak or other native woodland ESHA.
- c. The top of bluff for coastal bluff or outer edge of the bluff-associated vegetation, whichever is greater, ESHA. (see LIP 17.30.060)

3.27 [Reserved]

3.28 Variances or modifications to buffers or other ESHA protection standards shall not result in significant degradation of ESHA or be used to increase the intensity of development beyond the least impacting feasible alternative for the site. (see LIP 17.30.060 D1)

3.29 Modifications to required development standards may be permitted where such modifications are necessary to avoid or minimize impacts to ESHA or would result in greater protection for ESHA, ESHA buffers, or Resource Protection Areas than would strict adherence to the required development standards. (see LIP 17.08.030 Q)

3.30 Protection of ESHA and public access shall take priority over other development standards, except where application of such a priority would result in a taking of property. (see LIP 17.30.060 D)

3.31 Permitted development located within or adjacent to ESHA and/or parklands that adversely impacts those areas may include open space or conservation restrictions or easements over ESHA, ESHA buffer, or parkland buffer in order to protect resources.

e. Stream Protection

3.32 Channelizations or other substantial alterations of watercourses shall be prohibited except for: 1) water supply projects where no feasible alternative exists; 2) flood protection for existing development where there is no other feasible alternative, or 3) the improvement of fish and wildlife habitat. Any channelization or watercourse alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate impacts.

Bioengineering alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels. (see LIP 17.40.040 H 16)

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¶
3.27 Buffers shall be provided from coastal sage scrub and chaparral ESHA that are of sufficient width to ensure that no required fuel modification (Zones A, B,

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3.33 Alteration of natural watercourses for the purpose of road crossings shall be prohibited, except where the alteration is not substantial, there is no other feasible alternative to provide access to public recreation areas or development on legal parcels, and the alteration does not restrict movement of fish or other aquatic wildlife. Any such crossings shall be accomplished by bridging, where feasible. Bridge columns shall be located outside streambeds and banks, where feasible. Wherever possible, shared bridges shall be used for providing access to multiple home sites. Culverts may be utilized for the crossing of minor drainages lacking beds and banks and riparian vegetation. If enlargement, replacement or improvements to the existing at grade crossing of Malibu Creek at Cross Creek Road are determined to be necessary, alternative designs, including, but not limited to, a caisson-supported bridge, that minimize impacts to ESHA shall be considered. In any case, any new improvement to this crossing shall minimize impacts to the movement of fish or other aquatic wildlife to the maximum extent feasible. (see LIP 17.40.040)

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3.34 Bioengineering methods or “soft solutions” should be developed as an alternative to constructing rock revetments, vertical retaining walls or other “hard structures” along lower Malibu Creek. If bioengineering methods are demonstrated to be infeasible, then other alternatives may be considered. Any applications for protective measures along lower Malibu Creek shall demonstrate that development in the Civic Center is in danger from flood hazards, that the proposed protective device is the least environmentally damaging alternative, that it is sited and designed to avoid and minimize impacts to the habitat values of the riparian corridor along the creek and the recreational and public access use of State Park property along the creek, and that any impacts have been mitigated to the maximum extent feasible. (see LIP 17.42.040)

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3.35 Reserved.

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3.35a In all cases of streambed or bank alteration, an applicant must have all permits and agreements required by Federal and State regulatory agencies prior to final issuance of a coastal development permit. (see LIP 17.48.150)

3.35b Adequate buffer areas shall be required along streams to protect riparian resources within the stream corridor. (see LIP 17.48.050)

f. Application Requirements

3.36 New development proposed within or adjacent to a Resource Protection Area shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological assessment shall be prepared by a qualified Biologist that

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identifies the biological resources on-site, potential impacts to those resources from the proposed project, and identifies feasible mitigation measures to reduce impacts. (see LIP 17.48.060 D5)

3.37 New development within or adjacent to ESHA or within an ESHA buffer shall include a detailed biological assessment prepared by a qualified biologist to determine the precise boundaries and defining characteristics of the ESHA and resulting ESHA buffer. The assessment shall identify potential impacts and propose feasible mitigation measures to reduce the level of impact. (see LIP 17.30.040B)

g. Environmental Review

3.38 [Reserved]

3.39 The Planning Manager, in consultation with the City Biologist, ERB or other City-appointed group of qualified professionals, shall review new development within or adjacent to designated ESHA, within areas containing ESHA identified through a biological study as required pursuant to Policy 3.37, or within Resource Protection Areas.

The City Biologist, ERB, or other group of qualified professionals in resource management shall consider the individual and cumulative impacts of the development on ESHA, define the least environmentally damaging alternative, and recommend modifications and/or mitigation measures necessary to ensure conformance with the LUP to the applicable decision-making body (Planning Manager, Planning Commission, or City Council).

3.40 The decision making body (Planning Manager, Planning Commission, or City Council) shall make findings relative to the project's conformance to the recommendations of the City Biologist, ERB, or other group of qualified professionals in resource management. The City may impose a fee on applicants to recover the cost of review of a proposed project by the ERB when required by this policy. (see LIP 17.48.070D)

3.41 The City shall coordinate with the California Department of Fish and Game, U. S. Fish and Wildlife Service, National Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to ESHA and marine resources, including rare, threatened, or endangered species, are avoided and minimized.

h. New Development

3.42 New development shall be sited and designed to minimize impacts to ESHA by:

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Deleted: 3.38 The Environmental Review Board (ERB) shall be comprised of qualified professionals with technical expertise in biological resources (marine/coastal, wetland/riparian protection and restoration, upland habitats and connectivity), geology (coastal protection devices, slope stability, onsite waste treatment), architecture or civil engineering (siting of structures in hillside areas), and landscape architecture (fuel modification, planting of wildland edges). In addition, ERB members shall be knowledgeable about the City of Malibu and the Santa Monica Mountains.¶

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3.40 The ERB shall make recommendations on all projects reviewed under Policy 3.38

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- a. Minimizing grading and landform alteration, consistent with Policy 6.8.
- b. Minimizing the removal of native vegetation, required for construction of the building pad and road access, as well as the removal of native vegetation required fuel modification around structures.
- c. Limiting the maximum number of structures within ESHA buffers to one main residence, one second residential structure, and accessory structures such as, stable, corral, pasture, workshop, gym, studio, pool cabana, office, or tennis court, provided that such accessory structures are located within the approved development area and structures are clustered to minimize required fuel modification.
- d. Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources.
- e. Grading for access roads and driveways should be minimized. (see LIP 17.08.050 C3)
- f. Prohibiting earthmoving operations during the rainy season, consistent with Policy 3.47.
- g. Minimizing impacts to water quality, consistent with Policies 3.94-3.155. (see LIP Chapter 17.52)

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Deleted: ; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the City Planning Commission, upon recommendation of the Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LIP provisions.

3.43 New septic systems shall be sited and designed to ensure that impacts to ESHA are minimized, including those impacts from grading and site disturbance as well as the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect ESHA and to prevent lateral seepage from the leachfield(s) or seepage pit(s) into stream waters or the ocean. (see LIP Chapter 17.54)

3.44 Land divisions, including lot line adjustments and certificates of compliance (except as provided under Policy 5.40), for property which includes area within an ESHA or ESHA buffer shall only be permitted if each new parcel being created could be developed (including construction of any necessary access road in an ESHA), without building in ESHA or ESHA buffer, or removing ESHA habitat areas for fuel modification. (see LIP 17.50.050)

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3.45 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody. (see LIP 17.38.030)

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3.46 Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible with respect to quantities, height of cuts and fills, remedial grading, and grading for safety purposes. (see LIP 17.38.030)

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3.47 Grading during the rainy season (extending from November 1 to March 1) shall be prohibited for within ESHA, or on steep slopes.

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3.48 Where grading is permitted during the rainy season, best management practices and erosion control measures such as sediment basins, silt fencing, sandbagging, installation of geofabrics, shall be implemented prior to and concurrent with grading operations. Such measures shall be maintained through final grading and until landscaping and permanent drainage is installed. (see LIP 17.38.040)

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3.49 Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.

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3.50 Cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:

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a. Plantings should be native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.

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b. Invasive plant species that tend to supplant native species and habitats shall be prohibited.

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c. Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification of the nearest approved residential structures.

d. Landscaping or revegetation shall provide 90 percent coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for restoration. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years. (see LIP 17.08.100 A)

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• Any landscaping, or revegetation shall be monitored for a period of at least five years following the completion of planting. Performance criteria shall be designed to measure the success of the plantings. Mid-course corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.

3.51 Disturbed areas ESHAs shall not be further degraded, and if feasible, restored. If new development removes or adversely impacts native vegetation, measures to restore any disturbed or degraded habitat on the property shall be included as mitigation. (see LIP 17.30.070G)

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3.52 Access for geologic testing (or percolation or well testing) shall use existing roads or track mounted drill rigs where feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible, through grading to original contours, revegetating with native plant species indigenous to the project site, and monitoring to ensure successful restoration.

3.53 Fencing or walls shall be prohibited within riparian, bluff, or dune ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor, delineated by the City Biologist. (see LIP 17.30.060 C)

Deleted: Point Dume canyon,

3.54 [Reserved]

3.55 Fencing within ESHA and ESHA buffers shall be sited and designed to be wildlife permeable, enabling wildlife to pass through, except where such fencing is immediately adjacent to development. (see LIP 17.30.060 C)

Deleted: Development permitted pursuant to Policy 3.10 within coastal sage scrub or chaparral ESHA may include fencing, if necessary for security, that is limited to the area around the clustered development area. Any such fencing shall be sited and designed to be wildlife permeable.

3.56 Exterior night lighting shall be minimized, (see LIP 17.30.060 B)

Deleted: adjacent to

3.57 New recreational facilities or structures on beaches shall be designed and located to minimize impacts to ESHA and marine resources.

Deleted: , restricted to low intensity fixtures, shielded, and directed away from ESHA in order to minimize impacts on wildlife. High intensity perimeter lighting and lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA is prohibited.¶

3.58 To protect seabird-nesting areas, no pedestrian access shall be provided on bluff faces except along existing, formal trails or stairways. New structures shall be prohibited on bluff faces, (see LIP 17.42.040)

1. Fuel Modification

3.59 All new development shall be sited and designed to provide adequate fire safety, while minimizing required fuel modification and brushing in ESHA, ESHA buffer, and/or public parklands. To accomplish this, development may utilize fire resistant materials and incorporate alternative fuel modification measures, and landscaping techniques, where feasible, to minimize the total area modified. All development shall be subject to applicable Federal, State, and County fire protection requirements. (see LIP 17.40.040)

Deleted: , except for stairs or accessways to provide public beach access.

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Deleted: order to minimize habitat disturbance

Deleted: destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety, as required by Policies 4.45 through 4.54. Development shall

Deleted: such as firewalls (except where this would have impacts on visual resources),

Deleted: federal, state

Deleted: county

3.60 As required by Policy 4.49, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures. (see LIP 17.40.040)

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3.61 Applications for new development shall include a quantification of the acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the proposed project, including building pad and road/driveway areas, as well as required fuel modification on the project site and brush clearance on adjacent properties. (see LIP 17.48.060 D)

3.62 All new development shall include mitigation for unavoidable impacts to ESHA from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. (see LIP 17.30.070 G)

i. Native Tree Protection

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3.63 New development shall be sited and designed to preserve oak, walnut, sycamore, or other mature native trees that are not otherwise protected as ESHA, to the extent feasible. (see LIP 17.32.040 A-C)

Deleted: alder, toyon,

Deleted: . Removal of native trees shall be prohibited except where no other

3.64 Any tree species planted as part of an approved landscape plan, but not as mitigation for removal of a native tree, shall not be subject to mitigation if it is impacted later, unless the City Biologist determines that mitigation for impacts to such a tree is necessary to avoid significant impacts to ESHA or ESHA buffer. (see LIP 17.32.050)

Deleted: alternative exists. Structures, including roads or driveways, shall be sited to prevent any encroachment into the root zone and to provide an adequate buffer outside of the root zone of individual native trees in order to allow for future growth.

3.65 Where the removal of mature native trees cannot be avoided through the implementation of project alternatives, replacement trees shall be planted on-site, if suitable area exists on the project site. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee, once appropriate studies have been completed to support implementation of such a fee. (see LIP 17.32.050)

Deleted: 3.64 New development on sites containing oak, walnut, sycamore, alder, toyon, or other native trees shall include a tree protection plan.¶

Deleted: or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees

3.66 The City shall undertake and complete a fee study within two years of the date of certification of this LUP to analyze the nexus between the removal of mature native trees and the planting of replacement trees offsite through a City-operated fund. Based on the results of the study, the City shall implement a program to collect in-lieu fees based on the type, size and age of the tree(s) removed as mitigation for the removal of mature native trees within development sites. This fund, administered by the City shall be used for the restoration or creation of native tree woodland, riparian woodland, or savanna habitat areas within the Malibu portion of the Santa Monica Mountains Coastal Zone. Priority shall be given to restoration or creation on properties containing areas designated ESHA, Resource Protection Areas, and to properties contiguous with existing parklands containing suitable native tree habitat. (see LIP 17.32.050).

Deleted: ,

Deleted: , at a ratio of 10 replacement trees for every 1 tree removed

Deleted: . based on the type, size and age of the tree(s) removed.¶

Deleted: 3.66 A fund shall be established to receive the in-lieu fee payments required under Policy 3.65.

Deleted: Santa Monica Mountains Conservancy,

Deleted: . Fees paid to mitigate impacts of development approved within the City may be used to restore habitat anywhere within this area.

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k. Agriculture and Confined Animal Facilities

3.67 Existing agricultural uses shall be allowed to continue. New agricultural uses shall be allowed consistent with the Coastal Act, Article 5 – Land Resources.

(see LIP 17.30.070 C)

3.68 The conversion of vacant land for new agricultural uses shall be prohibited within ESHA. Within Resource Protection Areas or areas adjacent to ESHAs, the conversion of vacant land for limited crop, orchard or vineyard use may be permitted if such use does not result in in-stream siltation or pollution from herbicides or pesticide. (see LIP 17.30.070 C)

3.69 Crop, orchard, or vineyard uses may be permitted in areas where they would not create significant impacts. (see LIP 17.08.110).

3.70 New confined animal facilities for the keeping of horses or other ungulates for personal recreational use shall be designed to avoid significant impacts to ESHA. Within Resource Protection Areas new confined animal facilities such as stables, barns, or tack rooms, as well as corrals shall be designed to minimize erosion and impacts to water quality. (see LIP 17.08.110 B and 17.30.070 C and D)

3.71 [Reserved]

3.72 The use of reclaimed water for any approved agricultural use is required where feasible. (see LIP 17.08.110 A)

3.73 Any approved agricultural or confined animal use shall include measures to minimize impacts to water quality, consistent with Policies 3.146 through 3.155. (see LIP 17.08.110 A)

2. Marine Resources

a. Marine ESHA Protection

3.74 As set forth in Policy 3.4, any marine area that meets the ESHA criteria, including Areas of Special Biological Significance and Marine Protected Areas (as designated by the California Department of Fish and Game) is ESHA, and shall be accorded the same protections provided for ESHA in the LCP. (see LIP 17.30.030 A)

b. Marine Protection

3.75 Marine ESHAs shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such

Deleted: in ESHA, ESHA buffer, or on slopes over 3:1 to

Deleted: crop, orchard, vineyard, or other agricultural use shall not be permitted, except as provided in Policies 3.68 and 3.69. Existing, legally established agricultural uses shall be allowed to continue.¶

¶
3.68 New

Deleted: , except that development permitted pursuant to Policy 3.10 within coastal sage scrub or chaparral ESHA may include

Deleted: within the irrigated fuel modification area (Zones A and/or B if required) for the approved structure(s) only

Deleted: is not located on slopes greater than 3:1,

Deleted: any expansion to the required fuel modification area, and does not increase the possibility of

Deleted: s.¶

Deleted: that are not ESHA, ESHA buffer, or on slopes greater than 3:1

Deleted: prohibited within or adjacent to ESHA, except that development permitted pursuant to Policy 3.10 within coastal sage scrub or chaparral ESHA may include accessory

Deleted: structures

Deleted: within the approved development area. Confined animal facilities or corrals may

Deleted: included within the fuel modification area required by the Los Angeles County Fire Department (Zones A, B and/or C if required) for the structure(s) approved within the development area, only if such confined animal use is not located on slopes greater than 4:1, does not require additional grading other than minimal grading for foundations, is constructed of non-flammable materials, does not result in any expansion to the required fuel modification area, and does not increase the possibility of in-stream siltation or pollution from herbicides or pesticides.

Deleted: 3.71 Accessory structures used for confined animal facilities or corrals may be permitted in conjunction with an existing or ... [11]

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areas. Residential, commercial, or institutional uses shall not be considered resource dependent uses. (see LIP 17.30.050)

3.76 Permitted land uses or developments shall have no significant adverse impacts on marine and beach ESHA. (see LIP 17.30.070)

3.77 Development on beach or ocean bluff areas adjacent to marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the Environmentally Sensitive Habitats Areas. All uses shall be compatible with the maintenance of the biological productivity of such areas. (see LIP 17.30.070)

3.78 New development shall prevent or reduce non-point source pollution in the near shore environment through implementation of the non-point source pollution and private sewage disposal system policies. (see LIP 17.52.050)

3.79 Grading and landform alteration shall be limited to minimize impacts from erosion and sedimentation on marine resources. (see LIP 17.38.030)

3.80 Marine mammal habitats, including haul-out areas shall not be altered or disturbed by development of recreational facilities or any other new land uses. (see LIP 17.46.070)

3.81 Efforts by the California Department of Fish and Game and Regional Water Quality Control Board to increase monitoring to assess the conditions of near shore species, water quality and kelp beds, and to rehabilitate or enhance areas that have been degraded by human activities shall be encouraged and allowed.

3.82 Near shore shallow fish habitats and shore fishing areas shall be preserved, and where appropriate and feasible, enhanced.

3. Wetlands

a. Wetland Designation

3.83 Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens shall be designated as wetland. Identified wetlands include Malibu and Zuma Lagoons. Any unmapped areas that meet these criteria are ~~considered to be wetlands for purposes of the Local Coastal Program,~~ and shall be accorded the protections provided for wetlands in the LCP. (see LIP 17.30.040)

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3.84 Any wetland area mapped as ESHA or meeting the ESHA criteria set forth in Policies 3.1 through 3.3 or otherwise determined by the City to have previously been wetlands shall not be deprived of protection, as required by the policies and

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provisions of the LCP, on the basis that habitat has been illegally removed, filled or degraded, or species of concern have been illegally eliminated.

~~3.85 [Reserved]~~

~~3.86 [Reserved]~~

3.87 The biological productivity and the quality of wetlands shall be protected and, where feasible, restored. Impacts to wetlands shall be avoided or mitigation measures shall be provided to ensure that permitted development results in no net loss of wetlands. (see LIP 17.30.050)

3.88 Buffer areas shall be provided around wetlands to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the wetland they are designed to protect. (see LIP 17.30.060)

b. New Development

3.89 The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes may be permitted in accordance with applicable policies of the LCP, where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- a. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- b. Restoration purposes.
- c. Nature study, aquaculture, or similar resource dependent activities.

Other uses specified in Section 30233 of the Coastal Act may only be allowed pursuant to an LCP amendment. (see LIP 17.30.070 G)

3.90 Where any dike or fill development is permitted in wetlands in accordance with the Coastal Act and any applicable LCP policies, mitigation measures shall be provided consistent with the provisions to state and federal law to provide for no net loss of wetlands.

~~3.91 [Reserved]~~

Deleted: 3.85 Where the required initial site inventory indicates the presence or potential for wetland species or indicators, the City shall require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations.

Deleted: 3.86 Wetland delineations will be conducted according to the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulation. A preponderance of hydric soils or a preponderance of wetland indicator species will be considered presumptive evidence of wetland conditions. The delineation report will include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the consultant doing the delineation.

Deleted: , but in no case shall they be less than 100 feet in width.

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Deleted: include, at a minimum, creation or substantial restoration of wetlands of a similar type. Adverse impacts will be mitigated at a ratio of 3:1 for seasonal wetlands, freshwater marsh and riparian areas, and at a ratio of 4:1 for vernal pools and saltmarsh, unless the applicant provides evidence establishing, and the City finds, that creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts of the dike or fill project. However, in no event will the mitigation ratio be less than 2:1 unless, prior to the development impacts, the mitigation is com... [12]

Deleted: 3.91 Applications for new development within or adjacent to wetlands shall include evidence of the preliminary approval of the California Department of Fish and Game, U.S. Army Corps of Engineers, U. S. Fish and Wildlife Service, and other resource management agencies, as applicable.

c. Lagoon Protection

3.92 Lagoon breaching or water level modification shall not be permitted until and unless a management plan for the lagoon in question is approved by the City and certified by the Coastal Commission as an amendment to the LCP, unless it can be demonstrated that there is a health or safety emergency, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures will be implemented to minimize adverse environmental effects.

3.93 A lagoon management plan should be developed for Malibu Lagoon, in consultation with all applicable resource management agencies. The plan shall address the following at a minimum:

- a. Biological study of the lagoon habitat, including identification of all rare, threatened, and endangered species.
- b. Lagoon hydrology.
- c. Water quality sampling study.
- d. Identification of the water levels appropriate and necessary for protection of the various species.
- e. Measures to protect endangered species.
- f. Water quality protection and enhancement measures.
- g. Identification of potential impacts from breaching or water level management, including reduction of certain kinds or areas of habitat.
- h. Identification of project alternatives to the proposed breaching or water level management designed to avoid and minimize impacts to sensitive resources.
- i. Mitigation measures necessary to offset unavoidable impacts from the proposed breaching or water level management.
- j. Monitoring plan to monitor the management area to evaluate the health of the wetland, assess adverse impacts resulting from breaching or water level management, and to identify project corrections.
- k. Public health of waders, swimmers, and surfers at Surfrider Beach.

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4. Water Quality

a. Watershed Planning

3.94 The City will support and participate in watershed based planning efforts with the County of Los Angeles and the Regional Water Quality Control Board. Watershed planning efforts shall be facilitated by helping to:

- a. Pursue funding to support the development of watershed plans;

- b. Identify priority watersheds where there are known water quality problems or where development pressures are greatest;
- c. Assess land uses in the priority areas that degrade coastal water quality;
- d. Ensure full public participation in the plan's development.

b. Development

3.95 New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

- a. Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.
- b. Limiting increases of impervious surfaces.
- c. Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.
- d. Limiting disturbance of natural drainage features and native vegetation. (see LIP 17.52.050)

3.96 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan. (see LIP 17.52.050)

3.97 Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern¹ that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible. (see LIP 17.52.050)

3.98 A water quality checklist shall be developed and used in the permit review process to assess potential water quality impacts. (see LIP 17.52.040 F)

¹ Pollutants of concern are defined in the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County as consisting "of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or the detectable inputs of the pollutant are at a concentrations or loads considered potentially toxic to humans and/or flora or fauna."

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3.99 Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. Dry weather runoff from new development must not exceed the pre-development baseline flow rate to receiving waterbodies. (see LIP 17.52.040 C)

3.100 New development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) in its the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (March 2000) (LA SUSMP) or subsequent versions of this plan. (see LIP 17.52.010)

3.101 If the State Water Resources Control Board (State Board) or the California Regional Water Control Board, Los Angeles Region (Regional Board) revise the California Water Quality Control Plan, Los Angeles Region (Basin Plan), the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan), or other applicable regulatory requirements, the City of Malibu should consult with the State Board, Regional Board and the Coastal Commission to determine if an LCP amendment is appropriate.

3.102 [Reserved]

3.103 All land divisions shall be designed such that the location of building pads and access roads minimizes erosion and sedimentation. (see LIP 17.50.050)

3.104 New roads, bridges, culverts, and outfalls shall not cause or contribute to streambank or hillside erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality including construction phase erosion control and polluted runoff control plans, and soil stabilization practices. Where space is available, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design. (see LIP 17.52.040)

3.105 Beachfront development shall incorporate BMPs designed to minimize or prevent polluted runoff to the beach and ocean waters. (see LIP 17.52.040)

3.106 Commercial development shall use BMPs to control the runoff of pollutants from structures, parking and loading areas. (see LIP 17.52.060)

3.107 Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system. (LIP 17.52.060 B)

Deleted: Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs. This standard shall be consistent with the most recent Los Angeles Regional Water Quality Control Board municipal stormwater permit for the Malibu region or the most recent California Coastal Commission Plan for Controlling Polluted Runoff, whichever is more stringent.

Deleted: Land divisions that would result in building pads, access roads, or driveways located on slopes over 30%, or result in grading on slopes over 30% shall be prohibited.

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3.108 Gasoline stations, car washes and automotive repair facilities shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, car battery acid, coolant and gasoline to stormwater system. [\(see LIP 17.52.060 C\)](#)

3.109 The City should develop and implement a program to detect and remove illicit connections and to stop illicit discharges.

3.110 New development shall include construction phase erosion control and polluted runoff control plans. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation, provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials. [\(see LIP 17.52.040 A\)](#)

3.111 New development shall include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs. [\(see LIP 17.52.040 B\)](#)

3.112 Storm drain stenciling and signage shall be provided for new storm drain construction in order to discourage dumping into drains. Signs shall be provided at creek public access points to similarly discourage creek dumping. [\(see LIP 17.52\)](#)

3.113 Outdoor material storage areas shall be designed using BMPs to prevent stormwater contamination from stored materials. [\(see LIP 17.52.060 D\)](#)

3.114 Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris. [\(see LIP 17.52.060 E\)](#)

3.115 Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPs. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility. [\(see LIP 17.52.040 D\)](#)

3.116 The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season. [\(see LIP 17.52.040 D\)](#)

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3.117 Public streets and parking lots shall be swept frequently to remove debris and contaminant residue. For private streets and parking lots, the property owner shall be responsible for frequent sweeping to remove debris and contaminant residue.

3.118 Some BMPs for reducing the impacts of non-point source pollution may not be appropriate for development on steep slopes, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability. New development in these areas should incorporate BMPs that do not increase the degree of geologic instability. (see LIP 17.52.050 C)

3.119 New development that ~~shall meet the requirements of construction erosion control as required by the Malibu Municipal Code and shall be~~ consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required. (see LIP 17.52.050)

Deleted: requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas,

3.120 New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.

c. Hydromodification

3.121 [Reserved]

3.122 Natural vegetation buffer areas that protect riparian habitats shall be maintained. Buffers shall function as transitional habitat and provide a separation from developed areas to minimize adverse impacts. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the riparian habitat. (see LIP 17.30.060 A)

Deleted: Alterations or disturbance of streams or natural drainage courses or human-made or altered drainage courses that have replaced natural streams or drainages and serve the same function, shall be prohibited, except where consistent with Policy 3.32. Any permitted stream alterations shall include BMPs for hydromodification activities.

3.123 Potential adverse impacts of proposed channelization or dam projects shall be minimized, including effects on wildlife migration, downstream erosion, dam maintenance (to remove silt and trash) and interruption of sand supplies to beaches. (see LIP 17.52.090 C)

Deleted: , but in no case shall the buffer be less than 100 feet, except for development permitted pursuant to Policy 3.10.¶

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Deleted: proposals shall be evaluated as part of a watershed planning process, evaluating potential benefits and/or adverse impacts. Potential adverse impacts of such

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d. Wastewater and On-site Treatment Systems

3.124 A Wastewater Management Plan should be developed within a timeframe to be determined by the City in consultation with the Wastewater Advisory Committee, to address future wastewater issues.

Deleted: Environmental Review Board,

Deleted: , and other pertinent City committees,

3.125 Development involving onsite wastewater discharges shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board, including Waste Discharge Requirements, revised waivers and other regulations that apply. (see LIP 17.54.020 C)

3.126 Wastewater discharges shall minimize adverse impacts to the biological productivity and quality of coastal streams, wetlands, estuaries, and the ocean. On-site treatment systems (OSTS) shall be sited, designed, installed, operated, and maintained to avoid contributing nutrients and pathogens to groundwater and/or surface waters. (see LIP 17.54.010)

3.127 OSTs shall be designed, sited, installed, operated, and maintained in compliance with applicable requirements of the State Water Resources Control Board pursuant to Assembly Bill 885 (Chapter 781, Statutes of 2000), as it may be amended from time to time. (see LIP 17.54.020 B)

Deleted: away from areas that have poorly or excessively drained soils, shallow water tables or high seasonal water tables that are within floodplains or where effluent cannot be adequately treated before it reaches streams or the ocean

3.128 New development utilizing a conventional OSTs offering primary sewage treatment only prior to discharge shall be designed, sited, installed operated, and maintained with a 100 percent dedicated future subsurface sewage effluent disposal area. In the event that the original subsurface sewage effluent disposal area cannot absorb all of the sewage effluent discharged, the future area shall be utilized. New development utilizing an alternative OSTs offering secondary sewage effluent treatment, or better, prior to discharge, shall not be required to provide a 100 percent dedicated future subsurface sewage effluent disposal area. (see LIP 17.54.070 Q)

Deleted: **3.128** New development shall be sited and designed to provide an area for a backup soil absorption field in the event of failure of the first field.¶

3.129 [Reserved]

Deleted: Soils should not be compacted in the soil absorption field areas during construction. No vehicles should be parked over the soil absorption field or driven over the inlet and outlet pipes to the septic tank.

3.130 Subsurface sewage effluent dispersal fields shall be designed, sited, installed, operated, and maintained in soils having acceptable absorption characteristics determined either by percolation testing, or by soils analysis, or by both. No subsurface sewage effluent disposal fields shall be allowed beneath nonporous paving or surface covering. (see LIP 17.54.070)

3.131 New development shall include the installation of low-flow plumbing fixtures, including but not limited to flow-restricted showers and ultra-low flush toilets. (see LIP 17.54.040 G)

Deleted: , and should avoid the use of garbage disposals to minimize hydraulic and/or organic overloading of the OSTs.¶

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3.132 New development may include a separate graywater dispersal system where approved by the Building Safety Division. (see LIP 17.54.040 H)

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3.133 [Reserved]

Deleted: New development shall include protective setbacks from surface waters, wetlands and floodplains for conventional or alternative OSTs, as well as separation distances between OSTs system components, building components, property lines, and groundwater. Under no conditions shall the bottom of the effluent dispersal system be within five feet of groundwater.

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Deleted: Applications for new development relying on an OSTs shall include a soils analysis and/or percolation test report. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California registered Geotechnical Engineer, a California Registered Civil Engineer, or a California Registered Environmental Health Specialist. The OSTs shall be designed, sited, installed, operated, and maintained in full compliance with the building and plumbing codes and the requirements of the LA RWQCB.

3.134 The construction of private sewage treatment systems shall be permitted only in full compliance with the building and plumbing codes and the requirements of the LA RWQCB. A coastal development permit shall not be approved unless the private sewage treatment system for the project is sized and designed to serve the proposed development and will not result in adverse individual or cumulative impacts to water quality for the life of the project.

3.135 OSTs shall be designed, sited, installed, operated and maintained in compliance with the policies and provisions contained herein. At such time as the rules and regulations developed for OSTs by the State Water Resources Control Board pursuant to Assembly Bill 885 (Chapter 781, Statutes of 2000), become effective, if they conflict with the requirements of the LCP, the City shall submit an LCP amendment seeking to modify the requirements of the LCP. (see LIP 17.54.040 O)

3.136 In areas with constraints on private sewage treatment and disposal, including, but not limited to, small lots, beachfront parcels, and geologic hazard areas, innovative and alternative methods of wastewater treatment and disposal are permitted. Such systems shall minimize impacts to water quality and coastal resources and be acceptable to the Environmental and Building Safety Division, and the Regional Water Quality Control Board.

3.137 Community sewer facilities (package wastewater treatment plants, dedicated sewer service systems, existing trunk lines, etc.) shall have the capacity to serve the maximum level of development allowed by this LUP. (see LIP 17.54.100 A)

Deleted: Applications for land divisions relying on an OSTs shall include a soils analysis and/or percolation test report for each proposed lot, or for any lot(s) used for a community OSTs, where allowed. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Per ... [13]

3.138 [Reserved]

3.139 [Reserved]

3.140 New septic systems shall be sited and designed to ensure that impacts to ESHA, including those impacts from grading and site disturbance and the introduction of increased amounts of groundwater, are minimized. Adequate setbacks and/or buffers shall be required to protect ESHA and other surface waters from lateral seepage from the sewage effluent dispersal systems. (see LIP Chapter 17.54)

3.141 Supporting geology, including groundwater analysis shall be conducted on each buildable lot, as required, to determine the impact of any proposed OSTs

Deleted: 3.141 Applications for a coastal development permit for OSTs installation and expansion, where groundwater, nearby surface drainages and slope stability are likely to be adversely impacted as a ... [14]

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on groundwater and slope stability. Where it is conclusively shown that the OSTs will negatively impact slope groundwater, or slope stability, the OSTs shall not be allowed. (see LIP 17.54.050 A)

Deleted: level, quality of nearby surface drainages, and slope stability. Where it is shown that the OSTs will negatively impact groundwater, nearby surface waters

3.142 The construction of new privately maintained package wastewater treatment plants shall not be allowed unless it can be demonstrated that a package treatment plant would have fewer adverse impacts to coastal resources, water quality or geologic stability than individual sewage disposal systems. No new discharges shall be permitted from privately-maintained package wastewater plants into streams, wetlands or areas of saturated groundwater. (see LIP 17.54.080 D)

3.143 The formation of On-site Wastewater Zones pursuant to Section 6950, et seq., of the California Health and Safety Code shall be considered in appropriate areas. (see LIP 17.54.100)

3.144 Cooperation and coordination with the Los Angeles Regional Water Quality Control Board as to OSTs performance shall be developed and implemented.

Deleted: to ensure septic system conformance with regional water quality standards shall be provided

3.145 The City shall provide to the public information on the proper operation and maintenance of an OSTs. The City will establish an OSTs management program which includes, but is not limited to, OSTs inspections by a qualified professional. (see LIP 17.54.060)

3.145a All development shall comply with the discharge prohibition in the California Ocean Plan for discharges to the Area of Special Biological Concern (ASBS) extending from Latigo Point up the coast to Point Mugu.

e. Agriculture and Confined Animal Facilities

3.146 Agricultural and confined animal uses may be permitted only in conformance with Policies 3.67 through 3.73. (see LIP 17.08.110)

3.147 Agricultural development and confined animal facility development shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board, including Waste Discharge Requirements, revised waivers and other regulations that apply. (see LIP 17.52.100)

3.148 When undertaking agricultural activities, BMPs to minimize erosion and prevent excessive sediment and pollutant impacts shall be implemented. (see LIP 17.52.040 E)

3.149 Animal waste, wastewater, and any other byproducts of agricultural activities shall be properly disposed of on land or through suitable sewage

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disposal systems, if available. The disposal of such wastes in or near streams or ESHA is prohibited. [\(see LIP 17.52.040 E\)](#)

3.150 Compost, fertilizer, and amended soil products shall be used in a way that minimizes impacts to water quality. The placement of such products in or near streams is prohibited. [\(see LIP 17.52.100 B\)](#)

3.151 The maximum number of animals permitted on a site shall be limited to that appropriate to the parcel size, slope, ~~and~~ location of ESHA. [\(see LIP 17.08.110 B\)](#)

Deleted: , and any other constraints

3.152 Vegetated filter strips and other treatment measures shall be incorporated into animal facilities to intercept, infiltrate, and filter runoff. [\(see LIP 17.52.040 E\)](#)

3.153 Confined animal facilities shall be sited and designed to manage, contain, and dispose of animal waste using BMPs to insure that waste is not introduced to surface runoff or groundwater. [\(see LIP 17.52.040 E\)](#)

3.154 All stables and other animal keeping operations shall be managed to prevent discharge of sediment, nutrients, contaminants, and feces to surface and ground water. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel. [\(see LIP 17.52.100 B\)](#)

3.155 BMPs to protect sensitive areas (such as streams, wetlands, estuaries, ponds, lakes, shores, and riparian zones) shall be implemented to reduce physical disturbance and to reduce direct loading of animal waste and sediment caused by animals. [\(see LIP 17.52.040 E\)](#)

CHAPTER 4–HAZARDS & SHORELINE / BLUFF DEVELOPMENT

A. Introduction

The City of Malibu lies at the junction of the Santa Monica Mountains and the Pacific Ocean. Development within the City, including roads and other infrastructure is highly vulnerable to a variety of natural hazards including threats from landslides, wild fires, earthquakes, storm waves, and flooding. Bluffs, beaches, and steep hillsides are subject to natural erosional forces, often accelerated by the effects of fires, torrential rains, and winter storms. Fire is a serious potential threat several months of every year due to the typically long summer dry season characteristic of the Mediterranean climate and periodic “El Niño” winter storm seasons which cause considerable destruction or severe damage to beachfront homes, widespread erosion along the shoreline and bluffs, and landslides that destroy or damage homes, septic systems and roads, including Pacific Coast Highway. Occasionally, a severe fire season is followed by a winter of high rainfall, leading to extraordinary erosion and landslides on hillside property which had been denuded of vegetation by the fire. The dependence on septic systems for waste disposal throughout the City, with minor exceptions, creates additional hazards due to the effect of poorly maintained or located systems on steep slopes and beaches, the aforementioned erosional forces and a high water table in many areas.

The Malibu shoreline consists of a series of rocky headlands and narrow crescent shaped beaches, vulnerable to erosion and wave uprush. Unlike many other coastal communities in the State, a large portion of the beachfront property in Malibu was subdivided and developed prior to 1976, before the effective date of the Coastal Act. Most of this development occurred without the benefit of planning or mitigation to minimize impacts from wave hazards and to coastal resources. Largely as a result of the pre-existing pattern of development in Malibu, development along the shoreline continues to be permitted, placing more property at risk. To reduce the risk to private beachfront development, armoring of the shoreline has often occurred in the form of vertical seawall and rock revetments. Many of these structures have been placed on the beach as emergency actions during or immediately following winter storms, often without permits or adequate planning relative to placement, design, and impacts to adjacent properties and shoreline processes and public recreation. Loss of beach and, therefore, public access is too often the result of the construction of protective structures such as seawalls and revetments.

The cumulative loss of shoreline and public recreational resources from the encroachment of armoring on sandy beaches is an important coastal management issue. The City lies within the Santa Monica Littoral cell. The major sediment source has historically been the streams draining the Santa Monica

Mountains. The sediment from much of the drainage area, however, has been trapped behind dams and catchment basins, never reaching the coast (USACOE). Another significant sediment source has been the incremental addition of eroded material from coastal bluffs. In addition to covering beach area that provides for recreation, however, shoreline armoring also can exacerbate erosion by fixing the back beach and eliminating the influx of sediment from coastal bluffs. The City has found that over 60 percent of the bluffs are blocked from the erosive forces of wave action by some form of development, including Pacific Coast Highway, vertical seawalls and revetments.

Armoring also causes localized scour in front or at the end of the seawall or revetment. In addition, by allowing shoreline armoring in areas with existing development, the cycle of rebuilding storm damaged or destroyed development in the same hazardous areas is often perpetuated. From 1978 through 1996, the Coastal Commission and the County or City authorized protective devices along an estimated 2.8 miles of shoreline, covering an estimated 3.5 acres of sandy beach (ReCAP, 1999). The ReCAP report found that when added to the amount of shoreline armored prior to 1978, determined by Coastal Commission analysis of aerial photos, and the armoring which has taken place without permits, a total of approximately 50 percent of the City's shoreline has been impacted by shoreline protective structures. The report concluded that unless future armoring is avoided, future buildout of shoreline lots could result in up to 5 miles of additional shoreline armoring with hard structures. Additional armoring is even more likely given the location of Pacific Coast Highway (PCH). PCH continues to be threatened by erosion, wave uprush and flooding wherever it is located adjacent to the ocean, and given its importance to regional access and transportation, it is possible it will be armored throughout most of its length in the City unless alternative means of protection are developed.

Malibu Creek and other watersheds continue to be a major source of silt for beach replenishment. Very few beaches in the City have had chronic problems with sand loss.

1. Coastal Act Provisions

Under the Coastal Act, development is required to be sited and designed to minimize risks, assure stability and structural integrity, and neither create nor contribute significantly to erosion or require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs (Section 30253). Section 30235 of the Coastal Act allows the construction of shoreline protective devices where existing development is threatened from erosion and when designed to eliminate or mitigate impacts on shoreline sand supply. The Coastal Act also provides that development damaged or destroyed by natural disasters can be rebuilt in the same location, exempt from a coastal development

permit, under certain conditions. Certain emergency actions are also exempt from permit requirements.

2. Land Use Plan Provisions

To ensure consistency with the Coastal Act, the policies contained below in the Land Use Plan are intended to facilitate development in a manner which minimizes impacts from hazards as well as impacts to coastal resources, including public access and recreation. These policies can be summarized as follows:

- Prohibiting new development that would require armoring, including new land divisions which create new lots within high wave hazard areas;
- Requiring that new development on a beach or oceanfront bluff be set back as far landward as feasible and be sited outside areas subject to wave hazards or elevated above base flood elevation;
- Providing that applicants assume the risk of building in hazardous areas;
- Utilizing alternative waste treatment systems, where feasible, including relocation, to avoid the need for protective devices to protect them;
- Providing for the submittal of a comprehensive wave uprush study prepared by a qualified professional and documentation and maps of existing offers to dedicate (OTD) or existing dedicated easements in relation to all proposed development as an application filing requirement;
- Developing emergency permit procedures and follow-up actions and monitoring to ensure that the emergency response, whether temporary or permanent, is the least environmentally damaging alternative;
- Providing for the development of Shoreline Management Plans City wide or beach specific;
- Including measures to establish periodic nourishment of key beaches vulnerable to wave damage and erosion;
- Developing a strategy to address the issue of sea level rise, both in the short term via permitting actions and a long term response to address future development impacts along the shoreline;
- Siting and designing development to minimize risk from geologic and fire hazards;
- Developing a Hillside Management Program for siting and designing development and to minimize grading and vegetation clearance on steep slopes;
- Providing that development utilize adequate drainage and erosion control measures both during construction and as a long term feature;

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- Requiring that new development be sited and designed to minimize the impacts of Fire Department required fuel modification and brush clearance on native habitat and neighboring property, particularly parkland.

B. Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

C. Land Use Plan Policies

4.1 The City of Malibu and the Santa Monica Mountains coastal zone contain areas subject to hazards that present substantial risks to life and property. These areas, which require appropriate development controls to minimize risks, include, but are not limited to, the following:

- a. Instability and Landslide/Rockfall Potential: hillside areas that have the potential to slide, fail, or collapse.

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- b. Fault Rupture: the Malibu Coast-Santa Monica Fault Zone.
- c. Seismic Ground Shaking: shaking induced by seismic waves traveling through an area as a result of an earthquake on a regional geologic fault.
- d. Flood-prone areas most likely to flood during major storms.
- e. Liquefaction: Canyon and beach areas where water-saturated soils can potentially lose strength and fail during strong ground shaking from an earthquake.
- f. Tsunami: shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption.
- g. Wave Action: shoreline areas subject to damage from wave activity during storms.
- h. Fire Hazard: areas subject to major wildfires classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone. (see LIP 17.40.020 E)

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1. General Development

4.2 All new development shall be sized, designed and sited to appropriately minimize risks to life and property from geologic, flood, and fire hazard. (see LIP 17.40.030 A)

4.3 Information should be provided to the public concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property relative to siting, design and construction.

4.4 On landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where an adequate factor of safety can be provided, consistent with the applicable provisions of the City General Plan, Municipal Code, and the City's most recent "Guidelines for the Preparation of Engineering Geologic and Geotechnical Reports." (see LIP 17.40.040 A)

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4.5 Applications for new development, where applicable, shall include a geologic/soils/geotechnical report that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) and Geotechnical Engineer (GE) and subject to review and approval by City Geotechnical staff. (see LIP 17.40.040 A)

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4.6 The remediation or stabilization of landslides that affect existing structures or that threaten public health or safety may be permitted. Alternative remediation or

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stabilization techniques shall be analyzed to determine the least environmentally damaging alternative that provides an appropriate degree of safety. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to resources. (see LIP 17.40.040 D)

4.7 [Reserved]

Deleted: 4.7 Hillside Management Program requirements shall be applicable to proposed development on steep slopes.

4.8 [Reserved]

Deleted: 4.8 Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 40 percent (2.5:1), except that driveways and/or utilities may be located on such slopes, where there is no less environmentally damaging feasible alternative means of providing access to a building site, provided that the building site is determined to be the preferred alternative and consistent with all other policies of the LCP.

4.9 Buildings within flood-prone areas subject to inundation or erosion shall be prohibited unless no alternative building site exists on the property and mitigation measures are provided to appropriately minimize or eliminate risks to life and property from flood hazard. (see LIP 17.40.040 H)

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4.10 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams. (see LIP 17.40.040 F)

Deleted: 4.11 New development involving a structure dependent on a wastewater disposal system shall utilize secondary treatment, at a minimum, and evapotranspiration waste disposal systems or other innovative measures, where feasible.

4.11 [Reserved]

4.12 Land divisions, including lot line adjustments, shall be prohibited unless it can be demonstrated that each parcel will have a development area that is safe from flooding, erosion, and geologic hazards, as well as safe, legal, all-weather access road(s), which can be constructed in a manner consistent with the LCP. (see LIP 17.40.040 N)

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4.13 Land Divisions including lot line adjustments shall be prohibited unless all proposed parcels and access roads are found to comply with applicable fire safety regulations and all required approvals are obtained. (see LIP 17.40.040 O)

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4.14 New development shall be prohibited wherever such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard. (see LIP 17.40.040)

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4.15 Existing, lawfully established structures, which do not conform to the provisions of the current LCP, may be maintained, repaired, or replaced consistent with the requirements of the Malibu Municipal Code. (See LIP Chapter 17.14)

Deleted: ¶ Substantial additions, demolition and reconstruction, that result in demolition and/or replacement of more than 50% of the exterior walls shall not be permitted unless such structures are brought into conformance with the policies and standards of the LCP.¶

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2. Shoreline Development

4.16 All applications for new development on a beach, beachfront or blufftop property shall include a wave uprush and impact report and analysis prepared by a licensed civil engineer with expertise in coastal engineering. The study shall address and demonstrate the effects of said development in relation to the following:

- a. The profile of the beach (including consideration of seasonal position);
- b. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
- c. The availability of public access to the beach;
- d. The area of the project site subject to design wave uprush;
- e. Foundation design requirements;
- f. The need for a shoreline protection structure over the life of the project;
- g. Alternatives for protection of the on-site wastewater treatment system;
- h. The long term effects of proposed development on sand supply;
- i. Project alternatives designed to avoid or minimize impacts to public access; and
- j. Project alternatives designed to avoid and/or minimize impacts to the beach. (see LIP 17.42.030)

4.17 Proposed new beachfront or blufftop development, including but not limited to shoreline protective structures, shall be located outside of and consistent with the provisions of easements, deed restrictions, or offersto dedicate and/or other dedications for public access or open. (see LIP 17.42.050 B)

4.18 [Reserved]

3. Shoreline Erosion and Protective Structures

4.19 A program should be developed in conjunction with state and federal agencies, to provide incentives to relocate development out of hazardous areas and to acquire oceanfront properties that have been damaged by storm activities, where relocation of development to a safer location on the site is not feasible and additional protection measures are not feasible.

4.20 Coordination should be pursued with the State Lands Commission, the State Department of Transportation (Caltrans), the Los Angeles County Beach Nourishment Task Force and the Los Angeles County Department of Beaches

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Deleted: City-wide or beach specific Shoreline Management Plans should be developed for shoreline areas subject to wave hazards and erosion which include: ¶
¶

• An examination of local and regional annual erosion rates in order to reflect current shoreline changes;¶

• Standard engineering plans and analyses defining the specific types of armoring that would be acceptable or preferable for specific areas, and where appropriate, identification of the types of armoring that should not be considered for certain areas or beaches in order to minimize risks and impacts from armoring to public access and scenic resources along the shoreline and beach recreation areas.¶

• Standard alternatives feasibility analysis that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only used as a last resort. The analysis should require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, wave uprush reports etc.), an examination of all other options (removal, relocation, sand replenishment, no action etc.), and a conclusion that a shoreline protective device would be the "best option" (most protective of the public trust, best long term solution etc.) for the subject site.¶

• Standard conditions and monitoring requirements that should inclu... [15]

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and Harbors to fund and establish a program for periodic sand nourishment of beaches which are vulnerable to wave damage and erosion. Beach nourishment programs should include measures to minimize adverse biological resource impacts from deposition of material, including measures such as timing or seasonal restrictions and identification of environmentally preferred locations for deposits. Any program for beach sand nourishment shall not be effective until certified as an amendment to the LCP by the Coastal Commission.

4.21 The placement of sediments removed from erosion control or flood control facilities at appropriate points along the shoreline may be permitted for the purpose of beach nourishment only if such sediment deposition minimizes adverse impacts to beach, intertidal and offshore resources. (see LIP 17.42.040 Q)

4.22 Siting and design of new shoreline development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100 year economic life of the structure. (see LIP 17.42.050)

4.23 Beachfront development shall be set back and elevated to a sufficient finished floor height and foundation depth to eliminate or minimize the need for shoreline protective devices over the 100-year economic life of the structure. (see LIP 17.42.040)

4.24 No proposed development on a beach or along the shoreline, including a shoreline protection structure, may be permitted on public tidelands or in a manner that would adversely impact tidelands unless State Lands Commission approval is given in writing. (see LIP 17.42.050 C and D)

4.25 Applications for beachfront development shall be rejected by the City on the grounds that the application is within the original permit jurisdiction of the Coastal Commission, unless there is clear evidence that the proposed development would not encroach on tidelands or other public trust interests. (see LIP 17.42.050 C and D)

4.26 Development on or near sandy beach or bluffs, including the construction of a shoreline protection device, shall include measures to insure that:

- a. No stockpiling of dirt or construction materials shall occur on the beach;
- b. All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation;

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Deleted: , shall incorporate appropriate mitigation measures, and shall consider the method, location and timing of placement. Sediment removed from catchment basins may be disposed of in the littoral system if it is tested and is found to be of suitable grain size and type. The program shall identify and designate appropriate beaches or offshore feeder sites in the littoral system for placement of suitable materials from catchment basins.¶

Deleted: New development on a beach or oceanfront bluff shall be sited outside areas subject to hazards (beach or bluff erosion, inundation, wave uprush) at any time during the full projected 100-year economic life of the development. If complete avoidance of hazard areas is not feasible, all new beach or oceanfront bluff development all new beach or oceanfront bluff development shall be elevated above the base Flood Elevation (as defined by FEMA) and setback as far landward as possible. All development shall be setback a minimum of 10 feet landward of the most landward surveyed mean high tide line. Whichever setback method is most restrictive shall apply. Development plans shall consider hazards currently affecting the property as well as hazards that can be anticipated over the life of the structure.

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Deleted: 1) must be reviewed and evaluated in writing by the State Lands Commission and 2) may not be permitted if the State Lands Commission determines that the proposed development is located on public tidelands or

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- c. Measures to control erosion shall be implemented at the end of each day's work;
- d. No machinery shall be allowed in the intertidal zone at any time to the extent feasible; and
- e. All construction debris shall be removed from the beach. (see LIP 17.42.040 C)

4.27 All new development located on a blufftop shall be setback from the bluff edge a sufficient distance to ensure that it will not be endangered by erosion or bluff retreat, including the principle structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems etc. Ancillary structures such as decks, patios and walkways that do not require structural foundations may partially extend into the setback area, but shall be removed or relocated landward when threatened by erosion. Slope stability analyses and erosion rate estimates shall be provided by a licensed Certified Engineering Geologist and Geotechnical Engineer. (see LIP 17.42.040 B and D)

4.28 In addition to the bluff edge setback requirements all swimming pools shall be designed to prevent leakage and potential erosion and slope stability hazards. (see LIP 17.42.040 E)

4.29 No permanent structures shall be permitted on a bluff face, except for engineered stairways or accessways to provide public beach access. (see LIP 17.42.040 F)

4.30 In existing developed areas where new beachfront development, excluding a shoreline protective device, is found to be infill (see definition) and is otherwise consistent with the policies of the LCP, a new residential structure shall be subject to the "stringline rule," resulting in a seaward setback based on the nearest adjacent corners of the enclosed area of the nearest existing residential structures on either side of the subject lot. Similarly, a proposed new deck, patio, or other accessory structure shall meet similar stringline requirements. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project. (LIP 17.42.040 G)

4.31 Development shall be allowed on "in-fill" lots consistent with the policies of this LCP. On beachfront lots, development shall be no further seaward than the adjacent developed properties, consistent with the stringline requirements of the Malibu Municipal Code. (see LIP 17.42.040)

4.32 On any beach, where it is found to be appropriate, shoreline protective structures shall be avoided in favor of alternative "soft solutions". (see LIP 17.42.040 P)

Deleted: for a projected 100 year economic life of the structure plus an added geologic stability factor of 1.5. In no case shall the setback be less than 100 feet which may be reduced to 50 feet if recommended by the City geologist and the 100 year economic life with the geologic safety factor can be met. This requirement shall apply to the

Deleted: to a minimum distance of 15 feet from the bluff edge. Ancillary structures

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Deleted: drawn between the nearest adjacent corners of the nearest deck, patio or accessory structure on either side. All infill development shall be setback a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. Whichever setback method is most restrictive shall apply.

Deleted: 4.31 "Infill Development" shall apply to a situation where construction of a single-family dwelling and/or a duplex in limited situations on a vacant lot or the demolition of an existing residential dwelling and construction of a new dwelling is proposed in an existing, geographically definable residential community which is largely developed or built out with similar structures. When applied to beach front development this situation consists of an existing linear community of beach fronting residences where the vast majority of lots are developed ... [16]

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4.33 All new beachfront and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach and bluff erosion hazards, and avoid the need for a shoreline protection structure. (see LIP 17.42.040 I, J and R)

4.34 Land divisions, including subdivisions, lot splits, lot line adjustments, and certificates of compliance which create new beachfront or blufftop lots, shall not be permitted unless the subdivision can be shown to create lots which can be developed without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that would require shoreline protection or bluff stabilization structures at any time during the full 100 year life of the development. (see LIP 17.42.040 R)

4.35 [Reserved]

4.36 [Reserved]

4.37 Shoreline and bluff protection structures may be permitted to protect new development when necessary to protect a new on-site wastewater treatment system and there is no feasible alternative that would allow residential development on the parcel. (see LIP 17.42.040 L)

4.38 If there is no other feasible protection, shoreline protection structures shall be permitted to protect a previously legally constructed habitable ancillary or accessory structure. (see LIP 17.42.040 M)

4.39 Shoreline protection structures shall be sited as far landward as feasible, and shall be located in a manner compatible with protection structures on adjacent lots. (see LIP 17.42.040 N)

4.40 Where it is determined to be necessary to provide shoreline protection for an existing residential structure built at sand level a "vertical" seawall shall be used for protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative. (see LIP 17.42.040 O)

4.41 Existing shoreline protection structures which do not conform to the provisions of the LCP may be repaired and maintained to the extent that such repairs and/or maintenance conform to the requirements of the Malibu Municipal Code.

4.42 [Reserved]

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Deleted: 4.35 All new beachfront development shall be required to utilize a foundation system adequate to protect the structure from wave and erosion hazard without necessitating the construction of a shoreline protection structure.

Deleted: 4.36 New development on or along the shoreline or a coastal bluff shall include, at a minimum, the use of secondary treatment waste disposal systems and shall site these new systems as far landward as possible in order to avoid the need for protective devices to the maximum extent feasible.

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Deleted: Septic systems shall be located as far landward as feasible. Shoreline and bluff protection structures may be permitted to protect existing structures that were legally constructed prior to the effective date of the Coastal Act, or that were permitted prior to certification of the LCP provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure and only when it can be demonstrated that said existing structures are at risk from ider ... [18]

Deleted: 4.38 No shoreline protection structure shall be permitted for the sole purpose of protect ... [19]

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Deleted: shoreline protection structure be permitted to be located further seaward than a stringli ... [20]

Deleted: A stringline shall be utilized only when such development is found to be infill and when it is ... [21]

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Deleted: Local Implementation Plan.

Deleted: 4.42 As a condition of approval of development on a beach or shoreline which is subject t ... [22]

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4.43 Repairs, additions or construction of shoreline protective devices shall be allowed, in accordance with Coastal Act Section 30235. New construction of shoreline protective devices shall comply with applicable policies of this LCP, and shall be granted the full protection of Coastal Act Section 30235. No provision of the Malibu Local Coastal Program shall be construed to limit such protection, and no issuance of a Coastal Development Permit or other action of the City pursuant to its Local Coastal Program shall be conditioned upon the waiver of any party of the benefits and protections of Coastal Act Section 30235. (see LIP Chapter 17.42)

Deleted: 4.43 As a condition of approval of a shoreline protection structure, or repairs or additions to a shoreline protection structure, the property owner shall be required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. The restrictions shall also acknowledge that the intended purpose of the subject structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the City determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.

4.44 New development, demolition and rebuilding on beachfront and blufftop lots shall be constructed without shoreline protective devices when feasible locations are available or geologic and engineering evaluations conclude that no such devices are required. (see LIP 17.42.040)

Deleted: 4.44 As a condition of approval of new development on a vacant beachfront or blufftop lot, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed to not require a shoreline protection structure as part of the proposed development or at any time during the life of the development, the property owner shall be required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235.

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4. Fire Hazards

4.45 New development shall minimize risks to life and property from fire hazard through:

- a. Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;
- b. Siting and designing development to avoid hazardous locations;
- c. Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent;
- d. Use of appropriate building materials and design features to insure the minimum amount of required fuel modification;
- e. Use of fire-retardant plant species in landscaping. (see LIP 17.40.040 P)

4.46 New development within Environmentally Sensitive Habitat Areas and habitat buffers shall be sized, sited and designed to minimize the impacts of fuel modification and brush clearance activities on habitat and neighboring property. (see LIP 17.40.040 Q)

4.47 Development adjacent to parkland shall be sited and designed to allow all required fire-preventive brush clearance to be located outside park boundaries, unless no alternative feasible building site exists on the project site and the applicant agrees to pay for required fuel modification within the parkland. A natural vegetation buffer of sufficient size should be maintained between the necessary fuel modification area and the public parkland, where feasible. (see LIP 17.40.040)

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4.48 When brush clearance is required for fire safety, brushing techniques that minimize impacts to native vegetation, ESHA and that minimize erosion, runoff, and sedimentation shall be utilized. (see LIP 17.40.040 Q)

4.49 Applications for new development, which require fuel modification, shall include a fuel modification plan for the project, prepared by a landscape architect or resource specialist that incorporates measures to minimize removal of native vegetation and to minimize impacts to ESHA, while providing for fire safety, consistent with the requirements of the applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division. (see LIP 17.40.040 Q)

4.50 New development shall meet applicable fire safety regulations. (see LIP 17.40.040 S, T, and U)

Deleted: provide for emergency vehicle access and fire-flow water supply in accordance with

4.51 [Reserved]

Deleted: 4.51 All new development shall demonstrate the availability of an adequate water supply for fire protection, as required by applicable fire safety regulations.

4.52 [Reserved]

Deleted: 4.52 Where applicable, property owners shall comply with applicable fire safety regulations for management of combustible vegetative materials (controlled burns) in fire hazardous areas.

4.53 The City shall coordinate with County, State and National Park agencies to develop a closure policy for public recreation areas during periods of extreme fire hazard.

4.54 Should the County of Los Angeles Fire Department policies regarding fuel management and fire protection conflict with the policies and provisions of the Malibu LCP, particularly those relating to the protection of ESHA, personnel from the Fire Department and the City of Malibu shall meet and agree on measures to balance the need for fire protection for structures with the need to protect environmental resources. If resolution of issues cannot be achieved and there are no feasible solutions that would permit meeting the provisions of the Los Angeles County Fire Guidelines and the State Fire Code, Los Angeles County Fire Guidelines and the State Fire Code shall take precedence.

5. Emergency Actions and Response

4.55 Emergency actions to repair or replace or protect damaged or threatened development including public works facilities shall be the minimum needed to address the emergency and shall, to the maximum extent feasible, be the least environmentally damaging temporary alternative. (see LIP 17.40.040 V)

Deleted: A regular permit application shall be required as follow-up to all emergency protection devices or measures. All emergency protection devices shall be designed to facilitate removal and replacement with the alternative found to be consistent with all policies and standards of the LCP through the regular permit process.¶

4.56 All emergency permits shall be conditioned and tracked to insure that all authorized development is either removed or approved under a regular coastal development permit in a timely manner. (see LIP 17.40.040 W)

4.57 A permit tracking and monitoring system to identify and prevent the illegal and unpermitted construction of shoreline protection structures should be developed as a component of the code enforcement program.

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CHAPTER 5—NEW DEVELOPMENT

A. Introduction

New development in the City of Malibu is constrained by topography, the lack of or difficulty of providing new infrastructure or expanding the capacity of existing facilities, the presence of environmentally sensitive habitat areas, visual resources, and hazards. The Land Use Plan, provides a framework within which new development may be accommodated, taking into consideration the protection of environmentally sensitive habitat areas, visual resources, and public access, as well as the avoidance or mitigation of hazards.

The majority of the existing development is located along the narrow coastal strip extending from the City of Los Angeles to Trancas Beach (near Decker Road). The highest densities of development occur in the strip between the eastern City boundary and Pepperdine University. East of the Malibu Civic Center area, the land use pattern is characterized by a single lot depth of single family and multi-family residential development and local and visitor serving commercial on the ocean side of Pacific Coast Highway, limited residential and commercial at the base of the bluffs on the inland side of the highway, and scattered concentrations of residences in canyons and on ridges abutting the highway (e.g. Las Flores Canyon and Big Rock Mesa).

The Malibu Civic Center area is, generally, a flat alluvial plain located at the mouth of Malibu Canyon. This area contains the largest aggregation of existing and planned commercial uses in the City as well as the regional administrative offices of the County of Los Angeles, courts, library, and the City of Malibu's offices. Uses included in the commercial area are food stores, restaurants, small general clothing and specialty shops, financial institutions, and entertainment establishments. On the slopes surrounding the plain are single family residences and town home clusters.

Deleted: Along the coastal edge is a private residential community, known as the "Malibu Colony".

Immediately west of the Civic Center area is the campus of Pepperdine University. Although the University is located just outside the City limits, this high density development is contiguous with other land within the City. The Hughes Research facilities, which is the largest industrial and commercial-office use in the City, are located just northeast of Pepperdine University. West of Malibu Canyon Road, the pattern of developed land uses becomes more rural in character. Residential units on one-acre lots or larger are typically found along the immediate coastal strip. Scattered throughout the area are individual clusters of higher density development.

In the greater Point Dume area, the width of the coastal strip on which development has occurred expands. The moderate topography has permitted the development of a broad band of residential uses, most of which are at densities

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of one unit per acre or less. Point Dume, south of Pacific Coast Highway, accommodates the greatest amount of development. A higher-density cluster of residential uses has evolved along the northwestern flank of this area and commercial uses are located along the highway. The town homes, restaurants, and commercial uses function as a second major center of the Coastal Zone. These serve both resident and beach visitors. West of Point Dume residential units are scattered across the slopes at the base of Trancas and Zuma Canyons. A commercial center is located at the intersection of Pacific Coast Highway and Trancas Canyon Road. This provides limited services to the residents of the area and beach visitors. Continuous strips of single family residential units are located west of Trancas Beach.

1. Coastal Act Provisions

The Coastal Act requires the protection of coastal resources, including public access, land and marine habitat, and scenic and visual quality. Focusing new development to areas in close proximity to existing development with available public services serves to minimize the impacts of remote "leap-frog" development that would require the construction of roads, utilities, and other services. Section 30250 of the Coastal Act requires that new residential, commercial, or industrial development is located near existing developed areas, and where it will not have significant adverse impacts, either individually or cumulatively on coastal resources. Additionally, Section 30250 establishes that land divisions outside existing developed areas can only be permitted where fifty percent of existing parcels have already been developed and that the new parcels are no smaller than the average size of existing parcels. Section 30244 requires the protection of archaeological and paleontological resources and the implementation of mitigation measures to avoid or minimize any impacts.

2. Land Use Plan Provisions

The LUP provides parameters for new development within the City. The Land Use Plan Map designates the allowable land use, including type, maximum density and intensity, for each parcel. Land use types include local commercial, visitor serving commercial, residential, institutional, recreational, and open space. The LUP describes the allowable uses in each category.

The commercial development policies provide for pedestrian and bicycle circulation to be provided within new commercial projects in order to minimize vehicular traffic. Visitor serving commercial uses shall be allowed in all commercial zones in the City and shall be given priority over other non-coastal dependent development. Parking facilities approved for office or other commercial developments shall be permitted to be used for public beach parking on weekends and other times when the parking is not needed for the approved uses.

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The LUP encourages and provides for the preparation of a specific plan or other comprehensive plan for the Civic Center area. The Land Use Plan Map designates this area for Community Commercial, General Commercial, and Visitor- Serving Commercial uses. By preparing a Specific Plan or other comprehensive plan, a wider range and mix of uses (including residential development within a mixed-use context), development standards, and design guidelines tailored to the unique characteristics of the Civic Center could be provided for this area as part of the Specific Plan or other comprehensive plan.

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The LUP policies address new residential development. The maximum number of structures allowed in a residential development is one main residence, one second residential structure, and additional accessory structures.

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The LUP provides for a lot retirement program designed to minimize the individual and cumulative impacts of the potential buildout of existing parcels that are located in ESHA or other constrained areas and still allow for new development and creation of parcels in areas with fewer constraints. This includes the Transfer of Development Credit (TDC) Program, and an expedited reversion to acreage process. The TDC program will be implemented on a region-wide basis, including the City as well as the unincorporated area of the Santa Monica Mountains within the Coastal Zone. New development that results in the creation of new parcels, or multi-family development that includes more than one unit per existing parcel, except for affordable housing units, must retire an equivalent number of existing parcels that meet the qualification criteria of the program. Finally, an expedited procedure will be implemented to process reversion to acreage maps.

The LUP policies require that land divisions minimize impacts to coastal resources and public access. Land divisions include subdivisions through parcel or tract map, lot line adjustments, and certificates of compliance. Land divisions are only permitted if they are approved in a coastal development permit. A land division cannot be approved unless every new lot created would contain an identified building site that could be developed consistent with all policies of the LCP. Land divisions must be designed to cluster development, to minimize landform alteration, to minimize site disturbance, and to maximize open space.

Certificates of compliance must meet the policies of the LCP where State law (Subdivision Map Act) provides limits on the requirements that can be placed on a certificate of compliance.

Deleted: Any land division resulting in the creation of additional lots must be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot created.

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The LUP policies provide for the protection of water resources. New development must provide evidence of an adequate potable water supply. The use of water wells to serve new development must minimize individual and cumulative impacts on groundwater supplies and on adjacent or nearby streams, springs or seeps and their associated riparian habitats. Water conservation shall be

promoted. Reclaimed water may be used for approved landscaping, but landscaping or irrigation of natural vegetation for the sole purpose of disposing of reclaimed water is prohibited if such landscaping and/or irrigation would have a significant negative effect on biological resources within the ESHA.

Communication facilities are provided for as a conditional use in all land use designations. All facilities and related support structures shall be sited and designed to protect coastal resources, including scenic and visual resources. Co-location of facilities is required where feasible to avoid the impacts of facility proliferation. New transmission lines and support structures will be placed underground where feasible. Existing facilities should be relocated underground when they are replaced.

Finally, the New Development policies provide for the protection and preservation of archaeological and paleontological resources. Measures to avoid and/or minimize impacts to identified archaeological and paleontological resources must be incorporated into the project and monitoring must be provided during construction to protect resources.

B. Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30250

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

C. Land Use Plan Policies

1. Land Use Plan Map

The Land Use Plan Map shows the land use designation for each property. The land use designation denotes the type, density and intensity of development that may be permitted for each property, consistent with all applicable LCP policies. An overlay is applied to the Civic Center area that allows for a mix of land uses and specific development standards if a specific plan or other comprehensive plan is developed, adopted, and certified as an LCP amendment for the area. New development in the City shall be consistent with the Land Use Plan map, and all applicable LCP policies. Following is a description of the land use designations.

2. Land Use Designations

COMMERCIAL NEIGHBORHOOD (CN): The CN designation is intended to provide for low intensity commercial activity such as individual retail and service uses and cultural and artistic uses emphasizing convenient shopping/service to the residents in the surrounding neighborhoods. This designation ensures that the types of uses and intensity of use must be compatible with nearby and adjacent residential areas. Businesses are generally smaller in floor area than those in other commercial categories and are located on smaller sites. The maximum Floor to Area Ratios (FAR) within this category is 0.15. Uses that are permitted and/or conditionally permitted include the following: medical office, small retail stores, bakeries, beauty salons and bookstores, small restaurants, nursery schools/day care facilities, offices, and public open space and recreation.

COMMUNITY COMMERCIAL (CC): The CC designation is intended to provide for the resident serving needs of the community similar to the CN designation, but on parcels of land more suitable for concentrated commercial activity. The community commercial category plans for centers that offer a greater depth and range of merchandise in shopping and specialty goods than the neighborhood center although this category may include some of the uses also found in a neighborhood center. Often a supermarket or variety store functions as the anchor tenant. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.20 where public benefits and amenities are provided as part of the project. Uses that are permitted and/or conditionally permitted include the following: all permitted uses within the CN designation, financial institutions, medical clinics, restaurants, service stations, health care facilities, offices, and public open space and recreation.

COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses. Uses allowed in the other commercial categories

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(Commercial Neighborhood, Community Commercial, and Commercial General) may be permitted as part of projects approved on parcels designated Commercial Visitor Serving, so long as at least 50 percent of the overall floor area of any individual project is devoted to visitor serving uses. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project. CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation. Motels and bed and breakfast inns are allowed in the CV-1 designation.

COMMERCIAL GENERAL (CG): The CG designation provides for more intense commercial uses, visitor serving uses and light industrial uses located on larger sites. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project. Uses that are permitted and conditionally permitted include the following: all permitted uses within the CN and CC designations and mixed commercial and residential projects, masonry supplies, plant nurseries, and restaurants, movie theaters, performing arts facilities, offices, and public open space and recreation. Affordable housing for very low, low, and moderate-income families may also be permitted.

COMMERCIAL RECREATION (CR): The CR designation allows for facilities open to the public that are utilized for low intensity recreational use and athletic activities characterized by large open space areas with limited building coverage such as summer camps, hiking, equestrian, tennis, camping, public open space, and includes provision of food and beverage service for participants.

INSTITUTIONAL (I): The I designation accommodates existing public and quasi-public facilities in the City. This designation includes permitted and conditional uses such as educational institutions, government facilities, libraries, community centers, and religious institutions. The maximum allowable Floor to Area Ratio (FAR) is 0.15.

RURAL RESIDENTIAL (RR): The RR designation allows sensitively designed, large lot single family residential development, with a range of maximum densities from one dwelling per acre to one dwelling unit per .20 acres. Minimum lot sizes range from 1 to .20 acres, with agricultural uses and animal keeping as accessory uses to approved residential development. Public open space and recreation may be permitted. The following maximum residential density standards shall apply:

RR1 One dwelling unit per acre

RR2 One dwelling unit per 2 acres

RR5 One dwelling unit per 5 acres

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RR10 One dwelling units per 10 acres

RR20 One dwelling unit per 20 acres

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SINGLE-FAMILY RESIDENTIAL (SF): This land use designation allows single family residential development at higher density than the rural residential category. It is intended to enhance the rural characteristics of the community by maintaining low-density single-family residential development on lots ranging from 1/4 to 1 acre in size. Single-Family Low (SFL) allows a maximum density of 2 dwelling units per acre, with a minimum lot size of 0.5 acre. Single-Family Medium (SFM) allows a maximum density of 4 dwelling units per acre, with a minimum lot size of 0.25 acre. Public open space and recreation may be permitted.

MOBILE HOME RESIDENTIAL (MHR): The MHR designation is intended to accommodate existing mobile home parks and associated facilities.

MULTI-FAMILY RESIDENTIAL (MF): The MF designation provides for multi-family residential developments, such as duplexes, condominiums, stock cooperatives, and apartments. The Multi-family Residential (MF) designation allows a maximum density of six units per acre on a minimum lot size of 20,000 square feet. Public open space and recreation may be permitted.

MULTI-FAMILY BEACH FRONT (MFBF): The MFBF District provides for multi-family residential development on beachfront lots in the City, and is intended to provide for a variety of residential opportunities ranging from single-family to multiple-family. The Multi-family Residential (MF) designation allows for one dwelling unit per 1,885 square feet of lot area, not to exceed four units per lot. A minimum lot size of 5,000 square feet is required. Public open space and recreation may be permitted.

PRIVATE RECREATIONAL FACILITIES (PRF): The PRF designation provides for existing private recreational facilities whose members have received exclusive use through deeded rights, property ownership or membership.

PUBLIC OPEN SPACE (OS): The OS designation provides for publicly owned land which is dedicated to recreation or preservation of the City's natural resources, including public beaches, park lands and preserves. Allowable uses include passive recreation, research and education, nature observation, and recreational and support facilities.

RECREATIONAL VEHICLE PARK (RVP): The RVP designation provides for recreational vehicle parks and requires 10 acre minimum lot size. This designation only applies to the existing RV Park located north of Pacific Coast Highway at Corral Canyon.

PLANNED DEVELOPMENT (PD): The PD designation provides for a mix of residential and recreational development on the Crummer Trust property located east of Malibu Bluffs State Park and south of Pacific Coast Highway.

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and other commercial areas in order to encourage innovation in development concepts, land use mixes, and site design. Any planned developments in such commercial areas would require an amendment to the Malibu Local Coastal Program in order to specify the permitted type, density, and intensity of development if such development required any amendments or modifications to the maps or standards of the LUP, Local Implementation Plan, or the City of Malibu General Plan or zoning. The PD District is also intended to encourage innovative development designs that would provide environmentally superior development than would occur through a literal application of the standards set forth in the Local Implementation Plan and Malibu Development Code.

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3. General Policies

5.1a Except for those developments set forth in Public Resources Code Section 30519(b), all applications for new development, including modifications to previously approved projects, shall be reviewed and approved by the City, consistent with the provisions of the Local Coastal Program (LCP).

5.1 All development that requires a coastal development permit is subject to written findings by the City's decision making body for coastal development permits (Planning Manager, Planning Commission, or City Council, as appropriate) that it is consistent with all applicable Land Use Plan (LUP) policies and Local Implementation Plan (LIP) provisions of the City's certified Local Coastal Program. (see LIP 17.48.090)

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5.2 If there is a conflict between a provision of this LCP and a provision of the General Plan, or any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the development shall not be approved unless the project, LCP, and/or City-adopted requirement are revised such that the project complies with both the LCP and the City adopted provisions.

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5.3 A coastal development permit may only be approved for new development on legally created lots. All applications for new development on a vacant parcel shall include evidence of the date and method by which the subject parcel was created. (see LIP 17.48.060 D)

5.4 Off-street parking shall be provided for new development in accordance with the the Malibu Local Implementation Plan and zoning ordinance to assure there is adequate public access to coastal resources. A modification in the required parking standards through the variance process shall not be approved unless the City makes findings that the provision of fewer parking spaces will not result in

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adverse impacts to public access by eliminating on-street parking that is needed for coastal access. (see LIP 17.08.120 and 17.48.260 E10)

5.5 The Planning Manager, in consultation with the City Biologist, Environmental Review Board (ERB), or City-appointed group of qualified professionals with technical expertise in resource management, shall review and make written recommendations on development proposals within or adjacent to ESHA or other areas containing ESHA as identified through a biological study. The decision-making body (Planning Manager, Planning Commission, or City Council) shall make written findings relative to the project's conformance with the recommendations of the Planning Manager (see LIP17.48.070 D)

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5.6 Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence, provided that a taking does not result. (see LIP 17.30.060 D)

5.7 New development shall conform to the hillside management provisions of the LIP, including measures to minimize impacts to scenic and visual resources and to minimize the risk from hazards. The measures include but are not limited to limiting grading and retaining walls, restricting development on steep slopes, protecting ridgelines, and applying siting and design restrictions (scenic and visual policies). Slope density criteria shall be applied to sloping terrain in combination with the base land use designation in order to determine the maximum allowable density. (see LIP 17.34.050)

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4. Commercial Development Policies

5.8 Pedestrian and bicycle circulation shall be required as part of all new commercial development. (see LIP 17.08.080 B5g)

5.9 New commercial development shall be designed to minimize conflicts with adjacent residential uses, including preserving the character and integrity of the adjacent residential areas. Commercial development shall be designed to avoid intrusive traffic circulation and light and glare. (see LIP 17.08.080)

5.10 The City shall work with Caltrans to provide safe pedestrian crossings on Pacific Coast Highway adjacent to existing and new visitor serving uses to allow the public safe access to the beach.

5.11 Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent uses. All uses shall be consistent with protection of public access and ESHA.

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5.12 Visitor serving retail uses shall be permitted in all commercial zones in the City. Visitor serving retail uses shall fit the character and scale of the surrounding community. (see LIP 17.08.080 and Table 17.08.B)

5.13 Public use of private parking facilities currently underutilized on weekends (i.e. serving office buildings) adjacent to the beach shall be a permitted use in all commercial zones.

5.14 New commercial and multiple-family residential development shall be designed to maximize pedestrian access, minimize the need for individual automobiles and encourage transit service to the extent feasible.

5. Civic Center Policies

5.15 [Reserved]

5.16 Any coastal development permit approved shall avoid significant effects on federally protected wetlands as defined by Section 404 of the Clean Water Act (see LIP 17.30.040 C)

5.17 The components of a specific plan or other plan for individual developments the Civic Center area shall include, but not be limited to:

- a. Land use designations and permitted uses.
- b. Provision for visitor serving commercial uses, including overnight accommodations, throughout the area.
- c. Maximum density and intensity standards, including floor area ratios for commercial use not to exceed the maximum floor area ratio currently allowed pursuant to the Land Use Plan where public benefits and amenities are provided as part of the project.
- d. Development standards, including heights, lot coverage, setbacks, and open space requirements.
- e. Measures to protect wetland habitat identified through a wetland delineation prepared for the Civic Center area.
- f. Provisions for shared or consolidated parking areas.
- g. Provisions for public open space areas, and restoration or enhancement of habitat.
- h. Design guidelines, including architectural design, lighting, signs, and landscaping.
- i. Provisions for mixed use development. (see LIP 17.34.050)

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Deleted: No development shall be approved on any parcel located within the Civic Center Overlay Area (LIP Zoning Map 5), other than improvements to existing uses, for a period of two (2) years commencing September 15, 2002, or until a Specific Plan, or other comprehensive plan encompassing all parcels located within the Civic Center Overlay Area is adopted by the City and certified by the Coastal Commission as an LCP amendment.

Deleted: The provisions of Policy 5.15 shall not apply to coastal development permits for uses that are visitor-serving or part of a development agreement approved under a LCP amendment certified by the Coastal Commission.

Deleted: include a wetland delineation for the project site(s)

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Deleted: pursuant to LUP Policy 3.81a

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5.18 Visitor-Serving Commercial, General Commercial, and Community Commercial uses shall be allowed in the Civic Center area, as designated by the Land Use Map, consistent with applicable policies of the LUP. (see LIP 17.08.080 A5e)

5.19 [Reserved]

6. Residential Development Policies

5.20 Allowable densities are stated as maximums. Compliance with the policies of the LCP may further limit the maximum allowable density of development.

5.21 The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as stable, workshop, gym, studio, pool cabana, office, or tennis court. Within ESHA, ESHA buffers, and Resource Protection Areas, all such structures are to be located within the approved development area, and structures are to be clustered to minimize required fuel modification. (see LIP 17.08.060)

5.22 Second residential units shall be limited in size. (see LIP 17.08.060 O)

5.23 Adequate on-site parking space shall be required for the exclusive use of any second residential unit. (see LIP 17.08.060 O)

5.24 New development of a second residential unit or other accessory structure that includes plumbing facilities shall demonstrate that adequate private sewage disposal can be provided on the project site. (see LIP 17.54.040 A)

5.25 In order to protect the rural character, improvements, which create a suburban atmosphere such as sidewalks and streetlights, shall be avoided in any rural residential designation. (see LIP 17.34.050)

7. Cumulative Impact Mitigation

5.26 A Cumulative Impact Mitigation Program will be implemented in order to minimize the cumulative impacts to coastal resources of the buildout of existing parcels in sensitive and constrained areas and to allow for new development in areas that are less constrained. The Cumulative Impact Mitigation Program shall comprise the following components:

- Transfer of Development Credit Program
- Expedited Reversion to Acreage Process

(see LIP Chapter 17.36)

Deleted: Other than as provided

Deleted: 5.15 through 5.17 above, subsequent to September 15, 2004, if no Specific Plan, Development Agreement or other comprehensive plan has been approved by the Coastal Commission as an LCP amendment, Visitor-Serving Commercial, General Commercial, and Community Commercial uses shall be allowed on individual parcels located in

Deleted: Overlay

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Deleted: LCP. A maximum FAR of 0.15 is permitted, except that the project FAR may be increased to no greater than a maximum of 0.20 FAR if public benefits and amenities, including public open space and habitat restoration or enhancement, are provided and the project site is included as part of a planned development or development agreement for multiple parcels, approved under a LCP amendment certified by the California Coastal Commission. Any LCP amendment to provide for a planned development or development agreement shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval.¶

Deleted: 5.19 Subsequent to September 15, 2004, if no Specific Plan or comprehensive plan is approved by the Coastal Commission as an LCP amendment, applications for new development, other th ... [23]

Deleted: All residential development, including land divisions and lot line adjustments, shall conform to ... [24]

Deleted: other

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Deleted: (guesthouses, granny units, etc.)

Deleted: to a maximum of 900 square feet. The maximum square footage shall include the total ... [25]

Deleted: A minimum of one

Deleted: consistent with all of the policies of the LCP

Deleted: Lot Retirement Program

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5.27 The Cumulative Impact Mitigation Program shall be implemented in order to reduce the impacts of development on existing lots through the voluntary retirement of potential development on existing lots that meet the qualification criteria of the program. Lots that contain ESHA, ESHA buffer, or are located along the beach, in small-lot subdivisions, adjacent to parklands, or adjacent to the lot being developed can be retired for transfer of development credits. (see LIP Chapter 17.36)

Deleted: Transfer of Development Credit (TDC)

Deleted: ensure that the individual and cumulative impacts of creating new

Deleted: or developing multi-family residential units are minimized and mitigated

Deleted: an equivalent number of

Deleted: credits from

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Deleted: One TDC Program shall be implemented on a region-wide basis for the Santa Monica Mountains Coastal Zone, including the City of Malibu and the County of Los Angeles.

Deleted: this region

Deleted: Any coastal development permit for a land division resulting in the creation of additional lots or for a multi-family use resulting in the development of more than one unit per existing lot in the project site, excluding affordable housing units, shall be conditioned upon the retirement of development credits prior to issuance of the permit.

Deleted: TDC

5.28 Credits to mitigate development approved in the City may be generated from qualifying lots anywhere within the Santa Monica Mountains Coastal Zone, including the City of Malibu and unincorporated Los Angeles County. (see LIP Chapter 17.36)

5.29 A "Structural Area Credit" (SAC) shall be provide to the developer of an existing legal lot in exchange for retiring the right to construct a home and accessory structures of a qualifying parcel. The development potential of the qualifying parcel(s) shall be retired through the recordation of an offer to dedicate an open space easement and the merging or recombination of the retired parcel(s) with a contiguous parcel where the development potential of the contiguous parcel is not retired. (see LIP Chapter 17.36)

5.30 The City shall coordinate with the County of Los Angeles to ensure that lots retired through the Cumulative Impact Mitigation program are restricted, merged, and that such actions are accurately reflected in the records of the County Tax Assessor.

5.31 An ordinance to create an expedited procedure and reduced fee for processing voluntary mergers should be developed.

5.32 A record of the number and location of lots permanently retired through the cumulative impact mitigation program should be maintained and made available to members of the public upon request.

Deleted: lot retirement

8. Land Divisions

5.33 Land divisions include subdivisions (through parcel map, tract map, grant deed, or any other method), lot line adjustments, redivisions, mergers, and certificates of compliance (except as provided in Policy 5.41). Land divisions are only permitted if they are approved in a Coastal Development Permit. (see LIP 17.50.030)

5.34 Land divisions outside existing developed areas shall be permitted only in areas with adequate public services, where they will not have significant adverse effects on coastal resources. (see LIP 17.50.050)

Deleted: , either individually or cumulatively,

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5.35 ~~[Reserved]~~

Deleted: The minimum lot size in all land use designations shall not allow land divisions, except mergers and lot line adjustments, where the created parcels would be smaller than the average size of surrounding parcels.

5.36 Land divisions shall be designed to minimize impacts to coastal resources and public access. A land division shall not be approved if it creates a parcel that would not contain an identified building site that could be developed consistent with the policies of the LCP. (see LIP 17.50.050)

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5.37 Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space. (see LIP 17.50.050)

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Deleted: slope density criteria. Land divisions shall not be considered the principal permitted use in any land use category.¶

5.38 The City may only approve a land division if any parcel being created would be smaller than those that would otherwise be permitted if the overall density of the land division is consistent with the maximum density designated by the Land Use Plan map, and the City makes the finding that the clustering of development would be more protective of the environment than would a non-clustered land division. (see LIP 17.50.050)

Deleted: 5.39 Any Coastal Development Permit for a land division resulting in the creation of additional lots shall be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot created.

5.39 ~~[Reserved]~~

Deleted: Subsequent development on a parcel created through a land division shall conform to all provisions of the approved land division permit, including, but not limited to, the building site location, access road/driveway design, and grading design and volumes.

5.40 ~~[Reserved]~~

5.41 For issuance of a certificate of compliance pursuant to Government Code Sec. 66499.35 for a land division that occurred prior to the effective date of the Coastal Act, where the parcel(s) was created in compliance with the law in effect at the time of its creation and the parcel(s) has not subsequently been merged or otherwise altered, the City shall not require a coastal development permit. (see LIP 17.50.120)

Deleted: For issuance of a certificate of compliance pursuant to Government Code Sec. 66499.35 for a land division that occurred prior to the effective date of the Coastal Act, where the parcel(s) was not created in compliance with the law in effect at the time of its creation, or the parcel has subsequently been merged or otherwise altered, the certificate of compliance shall not be issued unless a CDP that authorizes the land division is approved. In such a situation, the City shall only approve a coastal development permit if the land division as proposed, or as conditioned, complies with all policies of the LCP.

5.42 ~~[Reserved]~~

5.43 For issuance of a certificate of compliance pursuant to Government Code Sec. 66499.35 for a land division that occurred after the effective date of the Coastal Act, the certificate of compliance shall not be issued unless a CDP that authorizes the land division is approved. In such a situation, the City shall place appropriate conditions of approval on such a certificate of compliance and CDP authorizing the land division, requiring compliance with such policies, laws, and regulations as may be permitted by the California Subdivision Map Act. The provisions of this policy do not apply to any Coastal Development Permit authorizing actual development of a property. (see LIP 17.50.120)

Deleted: only approve

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5.44 On beachfront parcels, land divisions may be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created

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contain sufficient area to site a dwelling or other principal structure, on-site sewage treatment system, if necessary, and any other necessary facilities without development on sandy beaches or bluffs, consistent with all other policies in the LUP including those regarding geologic, wave uprush, and public access. (see LIP 17.50.050)

5.45 [Reserved]

5.46 [Reserved]

9. Water Policies

5.47 New water wells shall minimize individual and cumulative impacts on groundwater, streams, springs, or seeps, and their associated riparian habitats.

5.48 A water conservation and wastewater recycling program should be developed in coordination with Los Angeles County and the applicable water purveyors for respective water service areas.

5.49 New development shall comply with the City's water conservation and wastewater regulations.

5.50 The installation of reclaimed water lines to provide irrigation for approved landscaping or fuel modification areas (Zone A or B, if required) for approved development may be permitted, if consistent with the LUP. (see LIP 17.12.040 E)

5.51 The use of reclaimed water in lieu of fresh water supplies for the maintenance of public lands and other non-consumptive uses shall be encouraged and supported provided such use can be found to be consistent with applicable policies of the LCP. (see LIP 17.12.040 E)

5.52 Landscaping and/or irrigation of ESHA for the purpose of disposing of reclaimed water shall be prohibited. if such landscaping and/or irrigation would have a significant negative effect on biological resources within the ESHA or on water quality.

5.53 The construction of a new water well may only be permitted where it will not have significant adverse individual or cumulative impacts on groundwater, streams, or ESHA.

10. Non-Conforming Uses and Structures

5.54 Existing, lawfully established structures built prior to the effective date of the Coastal Act that do not conform to the provisions of the LCP may be maintained, improved, and repaired. in accordance with the provisions of the LCP. Demolition

Deleted: Land divisions, except for mergers and lot line adjustments, for property which includes area within or adjacent to an ESHA shall not be permitted unless consistent with Policy 3.44.

Deleted: All new development shall demonstrate that an adequate potable water supply is available to each parcel. An on-site water well shall provide water of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements for the life of the development.

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Deleted: . Except as provided below, additions and improvements to such structures may be permitted provided that such additions or improvements themselves comply

Deleted: current policies and standards of the LCP. Substantial additions to non-conforming structures on a blufftop or on the beach are not permitted unless the entire structure is brought into conformance with the policies and standards

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and reconstruction that results in the demolition of more than 50 percent of the exterior walls of a non-conforming structure is not permitted unless the structure is brought into conformance with the policies and standards of the LCP. ~~if such conformance is feasible. If such conformance is not feasible, the structure may be reconstructed within its original building envelope.~~ (see LIP 17.14.020)

Deleted: entire

5.55 ~~[Reserved]~~

Deleted: Non-conforming uses may not be increased or expanded into additional locations or structures.

5.56 ~~[Reserved]~~

Deleted: Removal of vegetation from or other minor road improvements to a lawfully established road on private property, which has not been maintained for a period of 5 years, shall require a coastal development permit.

11. Communications Facilities

5.57 Communication processing, storage and transmission facilities and lines shall be sited, designed, and operated to avoid or minimize impacts to ESHA and scenic resources, consistent with all provisions of the LCP. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. (see LIP 17.08.140)

Deleted: The City shall not approve a Coastal Development Permit for new road improvements unless the road is needed to serve an approved or existing development and complies with all LCP policies. Road improvements necessary for geologic testing may be approved prior to approval of other development, if consistent with Policy 3.52.

5.58 All facilities and related support structures shall be sited, designed, and operated to ~~minimize~~ the visibility of the facility from public viewing areas, and to preserve the character of surrounding areas by protecting ridgelines by setting facilities below the ridge, and co-locating facilities, where feasible, to avoid proliferation of facilities. (see LIP 17.08.140)

Deleted: avoid

5.59 All facilities shall place support facilities underground, where feasible. New communication transmission lines shall be sited and designed to be located underground, except where it would present or contribute to geologic hazards. Existing communication transmission lines should be relocated underground when they are replaced or when funding for undergrounding is available. (see LIP 17.08.140)

12. Archaeology

5.60 New development shall protect ~~important~~ archaeological, historical and paleontological resources from destruction, and shall avoid and minimize impacts to such resources. (see LIP 17.44.030)

Deleted: and preserve

5.61 Where development would adversely impact archaeological or paleontological resources, ~~reasonable~~ mitigation measures shall be required. (see LIP 17.44.030)

Deleted: as identified by the State Historic Preservation Officer,

5.62 The City should coordinate with appropriate agencies, such as the UCLA Archaeological Center, to identify archaeologically sensitive areas. Such information should be kept confidential to protect archaeological resources.

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5.63 Coastal Development Permits for new development within archaeologically sensitive areas shall be conditioned upon the implementation of the appropriate mitigation measures. (see LIP 17.44.030)

5.64 New development on sites identified as archaeologically sensitive shall require the preparation and approval by the City of an archaeological survey to determine whether resources may be present on the site. If the survey determines resources are or may be present, on-site monitoring shall be required of all grading, excavation and site preparation that involve earthmoving operations by a qualified monitor(s) under the supervision of a qualified archaeologist and appropriate Native American consultant(s). (see LIP 17.44.030)

Deleted: include

Deleted: archaeologist

5.65 The establishment of a museum/visitor center to display local archaeological and or paleontological artifacts and to provide public educational information on the cultural and historic value of these resources shall be encouraged.

CHAPTER 6—SCENIC AND VISUAL RESOURCES

A. Introduction

The Santa Monica Mountains region, including the City of Malibu, is an area of incredible scenic beauty. This is due in large part to the dramatic topography. Steep mountains rise virtually out of the ocean. There is a narrow coastal plain in most areas that parallels the coastline. The plain is much wider in the center of the City on the Point Dume headland and on the alluvial plain formed by Malibu Creek where the City's Civic Center is located. In other areas there are wave-cut terraces separated from the beach below by sheer coastal bluffs. Deep stream-cut canyons extend through the mountains.

In addition to the topography, the scenic beauty of the area is inextricably linked to the native vegetation communities that typify the California Mediterranean landscape. Different vegetation communities have different visual textures and colors. South facing drier slopes support low growing coastal sage scrub species, while north facing or wetter slopes support denser chaparral vegetation. The textures of these areas contrast with the taller trees and shrubs growing in the riparian corridors that form linear features along streams.

Malibu's visual beauty and visual interest to visitors also include its rural rustic character, as well as its eye-catching landscaping, gardens, nurseries with specialized coastal-dependent plants, and orchids in greenhouses. Visitors and residents enjoy vistas with farms, horse ranches, and commercial flower fields. Well-designed and sited residences are also part of the scenic vistas that residences and visitors to Malibu enjoy.

There are sweeping views of the ocean and beach. Coastal views are possible from Pacific Coast Highway where there are breaks in the existing pattern of development. There are excellent views from the cross mountain roads, each of which follows a canyon through the mountains. Descending these scenic roads, there are alternating views of natural canyon areas and the ocean. There are also views of the beach, ocean and scenic areas from public parks, and riding and hiking trails. Finally, while the beach and ocean are important scenic elements, there are also mountain and canyon views as seen looking inland from the beach and ocean.

1. Coastal Act Provisions

One of the primary objectives of the Coastal Act is the protection of scenic and visual resources, particularly as viewed from public places. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. New development must minimize the alteration of natural landforms. This policy also requires that development is sited

and designed to be visually compatible with the character of surrounding areas. Where feasible, development shall include measures to restore and enhance visual quality in visually degraded areas.

2. Land Use Plan Provisions

The Land Use Plan provides for the protection of scenic and visual resources, including views of the beach and ocean, views of mountains and canyons, and views of natural habitat areas. The LUP identifies Scenic Roads, which are those roads within the City that traverse or provide views of areas with outstanding scenic quality, that contain striking views of natural vegetation, geology, and other unique natural features, including the beach and ocean. Additionally, there are intermittent beach or ocean views from all of the cross-mountain roads within the City (with the exception of certain portions of Decker Canyon Road where the topography prevents ocean views). Further, there are views of the ocean and other scenic areas from public parklands and from riding and hiking trails. Scenic areas are shown on the LUP Scenic Resources Map. Trails and parklands are shown on the LUP Park and Trail Map. Finally, the LUP Public Access Map shows public beach parks and accessways that provide views of the mountains and other scenic areas.

Scenic resources within and visible from Malibu have been categorized, and are depicted on the Scenic Resources Map.

Deleted: The LUP policies require that new development not be visible from scenic roads or public viewing areas. Where this is not feasible, new development

Scenic Elements. Scenic elements are defined as natural features of the landscape which exhibit a high scenic value. Landforms, areas of vegetation, and waterforms that are relatively distinct from the general landscape found throughout the Coastal Zone are considered to be scenic elements. Within the Santa Monica Mountains, 22 scenic elements have been identified within or visible from the City¹, including the following.

1. West Mulholland Highway Sandstone. A cluster of rugged sandstone peaks, visible from Mulholland Highway and Encinal Canyon Road.
2. Saddle Rock. A prominent sandstone landform, visible from Mulholland Highway and Encinal Canyon, Kanan-Dume, and Latigo Canyon Roads.
3. Turtle Rock. A prominent sandstone landform, visible from Mulholland Highway and Encinal Canyon, Kanan-Dume, and Latigo Canyon Roads.
4. Lower Zuma Canyon. A topographically diverse and relatively pristine area with steep slopes and rugged ridgelines. The area is visible from Pacific Coast Highway.
5. Little Dume Cove Bluffs. Rocky shores, outlying reefs and kelp beds, sandy pocket beaches, and numerous small caves are among the scenic

¹ Malibu Local Coastal Program, City of Malibu General Plan.

- features of this area. The precipitous bluffs, which rise up to 200 feet, are visible from many points along Pacific Coast Highway.
6. Cornell Sandstone Peaks. Rugged sandstone peaks, visible from Kanan Dume Road.
 7. Brent's Mountain. A prominent landform, partially within Malibu Creek State Park, with sheer rock sides and an elevation differential of more than 1,000 feet.
 8. Claretville Hills. Scenic rolling hills with clusters of live oak trees. The area is visible from Mulholland Highway and Las Virgenes Road.
 9. Malibu Canyon. A deeply incised gorge featuring massive rock outcroppings, a hogback ridge, and exposed strata on canyon walls which have elevation differentials of more than 1,000 feet. Malibu Creek, which flows through the canyon, is lined with lush riparian vegetation, and is the major water gap in the region. The canyon is accessed by Malibu Canyon Road.
 10. Dark Canyon. Vertical dipping strata on a mountain crest with extreme slopes. The area is visible from Piuma Road.
 11. Piuma Road Crest. Sandstone rock outcroppings along the mountain crest, traversed by Piuma Road.
 12. Upper Carbon Canyon Cliffs. A cliff face of massive red sandstone, accessed by Piuma Road.
 13. Schueren Road Sandstone. A bench-like sandstone outcropping.
 14. Topanga Lookout Ridge. Massive sandstone cliffs and hogback ridge. The area is visible from Stunt, Schueren, and Saddle Peak Roads.
 15. Old Topanga Sandstone. A massive sandstone outcropping. Old Topanga Canyon Road provides access to the area.
 16. Old Topanga Watergap. Large exposed aggregate sedimentary strata with a unique pitted appearance due to weathering. Old Topanga Canyon Road provides access to the area.
 17. Fernwood Hillside. Dense brush and tree-covered hillside with small rock outcroppings. Topanga Canyon Boulevard and Tuna Canyon Road provide access to the area.
 18. Lower Topanga Canyon. A narrow, rugged canyon with exposed canyon walls which exhibit contoured rock strata. The ridges are heavily vegetated, and riparian vegetation lines the canyon bottom. Intermittent waterfalls exist. The canyon is accessed by Topanga Canyon Boulevard.

In addition to those identified above, the following areas have been found to exhibit unique characteristics that qualify them as scenic elements:

19. Upper Zuma Canyon. This rugged and relatively pristine canyon is the focus of a Public Viewing Area (PVA) along Kanan Dume Road. Steep slopes are covered with highly textured chaparral. The ocean is a background feature, framed by the V-shaped canyon mouth.
20. Newton Canyon Hillside. The slopes on the south side of Newton Canyon Road are covered with a richly-textured, dense stand of oaks. These slopes are highly visible from Latigo Canyon Road and feature as both middle-ground and foreground, depending upon the viewer's location. Residences have been developed along the canyon bottom; associated grading is visible from Latigo Canyon Road. Measures should be taken to soften graded areas by using natural vegetation.
21. Lower Latigo Canyon. Lush riparian vegetation exhibiting a diversity of color and texture lines the canyon bottom. The area is accessed by Latigo Canyon Road.
22. Tuna Canyon. In both of these areas along Tuna Canyon Road, lush riparian woodland forms a visually pleasing canopy over the road.

Of these, only the Little Dume Cove is located within the City of Malibu¹. The other 21 are located within unincorporated Los Angeles County to the north of the City, and are generally only visible, if at all, from distant points within the City.

Significant Ridgelines. Significant ridgelines constitute a scenic resource of the Coastal Zone due to their high visibility from many vantage points. Ridgelines can be defined as the line separating drainage basins. Significant ridgelines are those whose ridge silhouettes the sky or the ocean, and are clearly visible from scenic roads. The area between the scenic roadway and the significant ridgeline is also considered visually sensitive. Significant ridgelines are delineated on the Scenic Resources Map. The only identified significant ridgeline within the City is located adjacent to the eastern city limits². Other significant ridgelines within the Santa Monica Mountains are located within unincorporated Los Angeles County to the north of the City, and are generally only visible, if at all, from distant points within the City.

Scenic Highways. Eight roads in the Malibu Coastal Zone have been identified as scenic. The criteria used for determining scenic routes as shown on the Visual Resources Map are listed below:

- Routes that provide scenic vistas of the ocean or interior mountains.
- Routes that provide access to major recreational areas.

¹ Malibu Local Coastal Program, City of Malibu General Plan.

² Ibid.

Pacific Coast Highway. Pacific Coast Highway (PCH), which parallels the ocean through the Malibu Coastal Zone, affords scenic ocean vistas and views of the interior coastal mountains and canyons. Protection of this visual resource – a view corridor to the ocean and to other scenic features – is mandated by the Coastal Act, Section 30251. Views of the ocean along several segments of PCH, predominantly east of the Malibu Civic Center, have been obstructed by residential and commercial development. On the landward side, hillside and bluff areas have been subjected to building construction and grading operations, affecting the natural scenic background for this highly traveled road.

Pacific Coast Highway is a linear view corridor, interfacing the ocean with inland topography. In general, ocean views east of the Malibu Civic Center (with the exception of stretches of public beach areas) are generally obstructed by beachfront development. Ocean views along PCH west of the Malibu Civic Center are relatively open and broad, with scattered development. Additional development could significantly affect these views. Points where there are views from PCH to the ocean are shown on the Scenic Resources Map.

Vista Points. Vista points are defined as areas that provide panoramic views encompassing several miles with little or no sense of boundary restriction. Such views are usually available from a high vantage point. Three areas in the Malibu Coastal Zone display characteristics which make them suitable as vista points. These are:

- Trancas Vista Point: An existing unpaved public viewing area located on the seaward shoulder of PCH, just above Trancas Beach, offers a significant panoramic view. To the west, one views Lechuza Point, jutting from the coastline, and its architecturally distinct seaside homes. The view to the east encompasses the length of Zuma and Point Dume Beaches, a broad sandy strip ending with the high relief of the Point Dume promontory. The whitewater of waves, the expanse of blue ocean to the horizon, and the distinct coastal configuration all contribute to a scenic vista.
- Point Dume Vista Point: The tip of Point Dume promontory, which is part of Point Dume State Beach, offers a unique 360-degree panorama of ocean, bluffs, mountains, and canyons.
- Kellers Shelter Vista Point: An undeveloped blufftop, situated directly above PCH near Malibu Lagoon State Beach, offers a significant view of Malibu Point and the small bay east of the Point, known as Kellers Shelter. Components of this view includes the Malibu Pier, the whitewater waves breaking along the point, and the half moon-shaped bay. Malibu Lagoon is also clearly discernible.

Views from Public Beaches. The general view inland from public beach areas includes canyon mouths, significant ridgelines, chaparral and coastal

sage-covered slopes and, in many locations, a combination of manmade and natural landscapes. Specific views from the public beaches are described as follows:

- Leo Carrillo State Beach. The westernmost section of Leo Carrillo sits well below PCH and views steep bluffs from the sandy beach areas. From the rocky promontory (the approximate mid-point of Leo Carrillo), the view opens to include the highway and the inland backdrop of the Arroyo Sequit, a steep-sided canyon. The easternmost section also faces steep bluffs.
- Nicholas Canyon County Beach. The beach generally faces sheer bluffs varying in height from 20 to 100 feet; the easternmost section views a 600-foot promontory which rises above the narrow, rocky beach. Variation in the cementation of terrace deposits exposed in the sea cliffs has resulted in differential erosion and gulying. A few residences still stand on the cliffs. The relatively undeveloped nature of the area, substantial groundcover (ice plant and brush), rolling bluffs, and scattered rocks all create a serene and picturesque view. Pedestrian traffic has trampled areas of groundcover, resulting in scarring.
- Zuma County Beach. This virtually featureless beach is backed by low bluffs directly inland of PCH. Separating the beach from PCH is a series of wide parking lots and occasional small structures.
- Point Dume Beach. The western portion of this beach is a broad swath of sand, facing brush-covered bluff faces that rise 100 feet above the sand. These bluffs are edged with residential development. The point of the promontory is wave-washed and rocky -- the landward view from this area is filled by the 200-foot bluff face. Beyond the point to the east is a narrow sand beach. The bluff edges are lined with homes, where state property ends and private property begins.
- Dan Blocker Beach. This narrow strip of beach is flanked closely by PCH and has an open view of the steep bluffs on the inland side of the highway. Private beach development exists for 300 feet along the beach's midpoint. The western portion of the beach (officially known as the Robert H. Meir Memorial State Beach) faces a narrow embankment just below the highway and is sparsely covered with coastal sage scrub. The steep hillsides inland of the highway provide a dramatic backdrop and fill the midground view.
- Malibu Lagoon State Beach. The western portion of this broad sandy beach is flanked by the Malibu Colony residential development. The center portion views, in the foreground, the main body of Malibu Lagoon and the State-owned Adamson estate. Malibu Creek and lower Malibu Canyon constitute the only natural backdrop to the beach area.
- Las Tunas Beach. PCH runs along the edge of this narrow strip of shoreline and predominantly features in the foreground view. Slopes inland of the

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highway are developed with clusters of hillside homes. The mouth of Pena Canyon is visible, exhibiting riparian vegetation. Terrestrial vegetation along the embankment of the state beach is sparse; most of it has been removed or has been trampled by pedestrian activity.

- Topanga Beach. Views from Topanga State Beach are diverse in character. East of the approximate midpoint (marked by a promontory), the beach is little more than a rock embankment below PCH. Inland of PCH, along this portion, are steep bluffs edged with residential development. West of the midpoint, the beach varies from 30 to 100 feet in width. Low bluffs separate the beach from the highway in this area, although the highway is still visible from some points. The background view, landward of PCH, includes Topanga Canyon and some roadside commercial development.

The LUP policies require that new development must minimize impacts through siting and design measures. Protection is provided for prominent ridgelines by requiring structures to be set below the ridgeline and to avoid intrusions into the skyline.

The policies give parameters for the siting and design of all new development to ensure that the alteration of natural landforms is minimized. These measures include siting development on flatter areas of the site, conforming development to the natural topography, clustering development, and preventing flat building pads on slopes. Graded slopes must blend with the existing terrain of the site and the height and length of slopes must be minimized. Finally, the length of roads or driveways shall be minimized and slopes designed to follow the natural topography in order to minimize landform alteration.

The policies require that new structures are sited and designed to minimize impacts to visual resources, by incorporating design measures to limit the appearance of bulk, ensuring visual compatibility with the character of surrounding areas, and by using colors and materials that are similar and blend in with natural materials on the site. The height of retaining walls, where they will be visible to the public must be minimized and fences, walls and landscaping must not block views from public viewing areas. Development is required to preserve bluewater ocean views by limiting the overall height and siting of structures where feasible to maintain ocean views over the structures. Where it is not feasible to maintain views over the structure through siting and design alternatives, view corridors must be provided in order to maintain an ocean view through the project site.

The LUP policies set forth restrictions regarding the design of land divisions, including lot line adjustments, to ensure that building sites are clustered, that the length of roads and driveways are minimized, that shared driveways are provided, that grading is minimized, and that all graded slopes are revegetated.

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Land divisions that do not avoid or minimize impacts to visual resources will not be permitted.

Development is required to minimize the removal of natural vegetation both for the actual development area, as well as vegetation removed or thinned for fuel modification and brush clearance. Graded slopes and other areas disturbed by construction must be landscaped or revegetated with primarily native, drought tolerant plants to provide coverage of the disturbed areas and monitored to ensure success.

B. Coastal Act Policies

Section 30251 of the Coastal Act set forth below, is incorporated herein as a policy of the Land Use Plan.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

C. Land Use Plan Policies

1. Scenic and Visual Resource Identification

6.1 The Santa Monica Mountains, including portions of the City, contain scenic areas of regional and national importance. The scenic and visual qualities of these areas shall be protected and, where feasible, enhanced. (see LIP 17.34.030)

6.2 "Public viewing areas" for purposes of the application of the policies in Chapter 6 of the LUP and the implementing provisions of the LIP include the following:

- Places on and along designated scenic roads;
- Riding and hiking trails, as well as parklands shown on the LUP Park Map as containing public viewing areas;
- Public beach parks and other beach areas accessible to the public that offer scenic vistas as shown on the LUP Public Access Map;
- Vista points identified on the Scenic Resources Map; and
- Little Dume Cove Bluffs (see LIP 17.34.050)

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6.3 Roadways traversing or providing views of areas of outstanding scenic quality, containing striking views of natural vegetation, geology, and other unique natural features, including the ocean shall be considered Scenic Roads, as designated on the LUP Scenic Resources Map. (see LIP 17.34.050)

6.4 Places on, along, or within one mile (if it is visible) of designated scenic roads, or trails, beaches, or parklands that (1) offer scenic vistas of the beach and ocean, coastline, mountains, canyons or other unique natural features and (2) meet the criteria set forth in Policy 6.2 are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions, residential development inland of Birdview Avenue and Cliffside Drive on Point Dume, existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road. Areas meeting this definition shall be subject to the provisions of Policies 6.5, 6.14, 6.15, and 6.23. (see LIP 17.34.050)

6.4a Public viewing locations should be provided as turnouts along major cross-mountain roads.

2. New Development

6.5 New development shall be sited and designed to avoid significant adverse impacts on scenic areas visible from scenic roads or public viewing areas to the extent feasible (see LIP 17.34.050)

6.6 Avoidance and mitigation of impacts to visual resources through site selection and design alternatives as set forth in Policy 6.5 is the preferred method over landscape screening. However, where conflicts arise between meeting the preceding provisions of this policy and protecting ESHA and other sensitive environmental resources, protection of ESHA and other sensitive environmental resources shall take precedence. Landscape screening, as mitigation of visual impacts may substitute for project alternatives including re-siting, or reducing the height or bulk of structures where such project alternatives would make development infeasible or would increase impacts on ESHA and other environmental resources.

6.7 The height of structures shall be limited to mitigate reduction in views between public viewing areas and visual resources that would result from the proposed development. (see LIP 17.34.050 B)

6.8 Prominent ridgelines and other intervening ridgelines that are visible from a public road, a beach, or public viewing areas, shall be protected by setting structures below the ridgeline to avoid intrusions into the skyline when viewed

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Places/Vista points identified on the Scenic Resources Map; Little Dume Cove Bluffs; places on and along public scenic roads, trails, parklands, and beach that offer scenic vistas are considered public viewing areas. Existing public roads where there are views of the ocean and other scenic areas are considered Scenic Roads. Public parklands and riding and hiking trails which contain public viewing areas are shown on the LUP Park Map. The LUP Public Access Map shows public beach parks and other beach areas accessible to the public that serve as public viewing areas.

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from a beach, public viewing area, or public road other than the one on which the development is located, where feasible. Where there are no feasible alternative building sites below the ridgeline or where the only alternative building site would result in unavoidable adverse impacts to ESHA, structures shall be limited to one-story (18 feet maximum from existing or finished grade, whichever is lower) in height to minimize visual impacts. (see LIP 17.34.050 C)

6.9 All new development shall be sited and designed to minimize alteration of natural landforms to the extent feasible by:

- a. Conforming to the natural topography.
- b. Preventing substantial grading or reconfiguration of the project site.
- c. Eliminating flat building pads on slopes in excess of 25 percent. Building pads on such sloping sites shall utilize split level or stepped-pad designs.
- d. Requiring that man-made contours mimic the natural contours.
- e. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- f. Minimizing grading permitted outside of the building footprint.
- g. Clustering structures to minimize site disturbance and to minimize development area.
- h. Minimizing height and length of cut and fill slopes.
- i. Minimizing the height and length of retaining walls.
- j. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography. (see LIP 17.34.050)

6.10 New development, including a building pad, if provided, shall be sited on the flattest non-ridgeline area of the project site that is suitable for the proposed development, except where there is a feasible alternative location that would be more protective of visual, biological, or cultural resources. (see LIP 17.34.050)

6.11 On-site roads, driveways shall be designed to be protective of visual, biological, or cultural resources. (see LIP 17.34.050 B)

6.12 All new structures shall be sited and designed to minimize impacts to visual resources by:

- a. Ensuring visual compatibility with the character of surrounding areas.
- b. Avoiding large cantilevers or understories.

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Driveway slopes shall be designed to follow the natural topography.¶

¶
Driveways that are visible from a scenic road, a beach, a public viewing area, or public hiking trail shall be a neutral color that blends with the surrounding landforms and vegetation.¶

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- c. Setting back higher elements of the structure toward the center or uphill portion of the building. (see LIP 17.34.050)

6.13 New development in areas visible from designated scenic roads or public viewing areas, shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials shall be prohibited. (see LIP 17.34.050 B)

6.14 Permitted retaining walls shall be designed to avoid significant visual impacts to the extent feasible. (see LIP 17.34.050 B)

6.15 [Reserved]

6.16 Blufftop development shall incorporate a setback from the edge of the bluff that mitigates visual impacts from the beach and ocean below. The blufftop setback necessary to protect visual resources may be in excess of the setback necessary to ensure that risk from geologic hazards are minimized for the life of the structure, as detailed in Policy 4.27. (see LIP 17.34.050 D)

6.17 Where parcels on the ocean side of and fronting Pacific Coast Highway, Broad Beach Road, Birdview Avenue, or Cliffside Drive descend from the roadway, new development shall be sited and designed to preserve bluewater ocean views by:

- a. Allowing structures to extend no higher than the road grade adjacent to the project site, where feasible.
- b. Limiting structures to one story in height, if necessary, to ensure bluewater views are maintained over the entire site.
- c. Setting fences away from the road edge and limiting the height of fences or walls to no higher than adjacent road grade, with the exception of fences that are composed of visually permeable design and materials.
- d. Using native vegetation types with a maximum growth height and located such that landscaping will not extend above road grade. (see LIP 17.34.050 E)

6.18 For parcels on the ocean side of and fronting Pacific Coast Highway, Broad Beach Road, Birdview Avenue, or Cliffside Drive where it is not feasible to design a structure located below road grade, new development shall provide a view corridor on the project site that provides bluewater views. (see LIP 17.34.050 E)

6.19 [Reserved]

6.20 New development on properties visible from and inland of Pacific Coast Highway shall be sited and designed to protect public views of the ridgelines and

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Deleted: not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may

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Deleted: Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.

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- Buildings shall not occupy more than 80 percent maximum of the lineal frontage of the site.¶
- The remaining 20 percent of lineal frontage shall be maintained as one contiguous view corridor.¶
- No portion of any structure shall extend into the view corridor.¶
- Any fencing across the view corridor shall be visually permeable and any landscaping in this area shall include only low-growing species that will not obscure or block

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- In the case of development that is proposed to include two or more parcels, a structure may occupy up to 100 percent of the lineal frontage of any parcel(s) provided that the development does not occupy more than 70 percent maximum of the total lineal frontage of the overall project site and that the remaining 30 percent is maintained as one contiguous view corridor.¶

Deleted: Except for replacement of structures destroyed by disaster, redevelopment of sites involving substantial remodels or demolition and reconstruction where existing landscaping or development blocks or obscures public views of the ocean or other scenic areas, the existing landscaping or development shall be removed and where appropriate replaced with landscaping and development that is sited and designed to provide maximum views, as required by Policies 6.17 or 6.18, as applicable.

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natural features of the Santa Monica Mountains ~~for motorists~~ through measures including, but not limited to, ~~reducing the bulk of the structure~~, reducing ~~the height of the structure~~, clustering development, incorporating landscape elements, and, where appropriate, berming. ~~(see LIP 17.34.050 C)~~

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6.21 New commercial development within the Civic Center shall be sited and designed to minimize obstruction of public views ~~of public views for motorists along Pacific Coast Highway~~ of the ridgelines and natural features of the Santa Monica Mountains.

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Deleted: through measures such as clustering development, and restricting height and bulk of structures

6.22 Public works projects along scenic roads that include hardscape elements shall be compatible with the rural character of the Santa Monica Mountains and designed to protect scenic views ~~to the extent feasible. (see LIP 17.34.050 F)~~

Deleted: such as retaining walls, cut-off walls, abutments, bridges, and culverts shall incorporate veneers, texturing, and colors that blend with the surrounding earth materials or landscape. The design of new bridges on scenic roads

6.23 Exterior lighting shall be minimized ~~as seen~~ from public viewing areas. ~~(see LIP 17.34.050 G)~~

Deleted: (except traffic lights, navigational lights, and other similar safety lighting)

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3. Land Divisions

6.24 Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by ~~complying with the provisions in Section 17.50.050 of the LIP.~~

Deleted: Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited.

6.25 Land divisions, including lot line adjustments, that do not avoid or minimize impacts to visual resources, consistent with all scenic and visual resource policies of the LUP, shall be prohibited. ~~Each lot created in a land division shall provide a building site that can be developed consistent with the provisions of this chapter. Lot line adjustments may be approved only when the lots affected by the adjustment meet the provisions of the LIP or are brought into closer conformance with the provisions of this Chapter than would occur without the lot line adjustment. (see LIP 17.50.050)~~

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- Clustering the building sites to minimize site disturbance and maximize open space.¶
- Prohibiting building sites on ridgelines.¶
- Minimizing the length of access roads and driveways.¶
- Using shared driveways to access development on adjacent lots, where feasible.¶
- Reducing the maximum allowable density in steeply sloping and visually sensitive areas.¶
- Minimizing grading and alteration of natural landforms, consistent with Policy 6.9.¶
- Landscaping or revegetating all cut and fill slopes, and other disturbed areas at the completion of grading, consistent with Policy 6.29.¶
- Incorporating interim seeding of graded building pad areas, if any, with native plants unless construction of approved structures commences within 30 days of the completion of grading.

6.26 Subsequent development on a parcel created through a land division shall conform to all provisions of the approved coastal development permit that authorized the land division, or any amendments thereto. ~~(see LIP 17.50.050)~~

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4. Protection of Native Vegetation

6.27 New development shall minimize removal of ~~native~~ vegetation ~~to the extent feasible~~. Existing native trees and plants shall be preserved on the site, consistent with Policy 3.60. ~~(see LIP 17.32.040)~~

6.28 All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible, ~~consistent with Los Angeles County guidelines and state fire codes~~. Development shall incorporate alternative fuel modification measures, where feasible, in order to minimize the

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visual resource impacts of site disturbance, removal, and thinning of native vegetation. (see LIP 17.40.040 Q)

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6.29 Cut and fill slopes and other areas disturbed by new construction activities shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:

- a. Slope plantings shall be of drought-tolerant plant species compatible with the existing native vegetation, natural habitats, and rural development on and adjacent to the site, and the need for fire protection, except as noted below.
- b. Invasive plant species that tend to supplant native species and natural habitats shall be prohibited within and adjacent to ESHA and within ESHA buffers and Resource Protection Areas.
- c. Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures.
- d. Lawn shall not be located on any geologically sensitive area such as coastal blufftop.
- e. Landscaping or revegetation of disturbed areas shall provide 90 percent coverage within five years. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.

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5. Signs

6.30 Signs shall be designed and located to minimize impacts to scenic areas. Designs that have limited height, size, minimize lighting, and are visually compatible with the area in which they are located are encouraged. Illuminated signs, except for safety purposes, shall be discouraged, especially in light-sensitive areas. (see LIP 17.08.130)

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6.31 Placement of signs other than traffic or public safety signs, utilities, or other accessory equipment that obstruct views to the ocean, beaches, parks, or other scenic areas, from public viewing areas and scenic roads shall be prohibited. (see LIP 17.08.130)

6.32 [Reserved]

Deleted: Existing offsite outdoor advertising billboards shall be phased out and the construction of new billboards is prohibited.

6. Pacific Coast Highway

6.33 The Pacific Coast Highway corridor shall be protected as a scenic highway and significant viewshed.

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6.34 Landscape improvements, including median plantings, may be permitted along Pacific Coast Highway east of Malibu Canyon Road. Any proposed landscaping shall be comprised primarily of drought tolerant plant species. Landscaping shall be designed and maintained to be subordinate to the character of the area, and not block ocean or mountain views at maturity.

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Improvements provided west of Malibu Canyon Road shall be consistent with maintaining the rural character of that area. (see LIP 17.34.050 C)

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6.35 New commercial development that includes a parking lot visible from Pacific Coast Highway shall include landscaping and/or berming to screen views of the parking area, so long as such measures do not obscure or block views of the ocean. (see LIP 17.34.050)

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6.36 Any telecommunications facilities approved along Pacific Coast Highway shall place support facilities underground, where feasible. New transmission lines shall be sited and designed to be located underground, except where it would present or contribute to geologic hazards. Existing transmission lines should be relocated underground when they are replaced or when funding for undergrounding is available. (see LIP 17.48.140)

6.37 Work with Caltrans to create, where appropriate, median plantings of low-growing, resource-efficient landscaping.

6.38 Require landscaping and berming to screen public parking from Pacific Coast Highway.

6.39 Implement the Pacific Coast Highway utility undergrounding project.

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CHAPTER 7–PUBLIC WORKS

A. Introduction

Development and growth in the City of Malibu is limited by geologic and environmental constraints, steep slopes, and dependence on private septic systems for wastewater management. Public works facilities that exist in the City include roads and highways, public water and telephone utilities and all publicly financed recreational facilities including parks, trails and public accessways financed by the State Coastal Conservancy, State Department of Parks and Recreation and Los Angeles County. There is no public sewage treatment plant in Malibu other than the small Malibu Mesa facility that serves Pepperdine University and the Malibu Mesa residential tract. While continued dependence on private septic systems for wastewater treatment has been a limiting factor for development, it has also been suspected of being a contributing factor to water pollution in Malibu Creek and Lagoon and other areas including the beaches.

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Major public works projects in Malibu consist of road repairs, maintenance and improvements. Responsibility for maintaining Pacific Coast Highway lies with the State Department of Transportation (Caltrans). Pacific Coast Highway is periodically damaged by landslides and mudflows on its inland side and by storm waves and erosion on its seaward side. In order to provide for adequate traffic circulation into and out of the City by residents and visitors accessing the public beaches and parks and to facilitate public safety it is important for the City to coordinate with Caltrans. The City is responsible for maintenance and improvements of other roads in the City. There has been considerable damage to roads within the City due to the impacts from several major winter storms since incorporation and considerable effort and expense has been required to keep roads open. It is also necessary to coordinate with Los Angeles County to insure a smooth flow of traffic along cross-mountain roads that provide access between the inland valleys and mountain areas to Pacific Coast Highway in the City. Most of the roads in the City traverse areas that are scenic and/or contain sensitive natural resources. Therefore, it is important that road improvements, repairs and maintenance utilize Best Management Practices including the least environmentally damaging feasible alternative.

Deleted: Prior to the City's incorporation in 1991, Los Angeles County proposed a large regional sewer system for much of Malibu. The County's application to construct the facility was withdrawn while it was pending before the Coastal Commission. The City proposes no facilities at present.

1. Coastal Act Provisions

Coastal Act 30254 requires that new or expanded public works facilities be "designed and limited" to accommodate development that can be permitted consistent with the policies of the Coastal Act. This section also provides that, where public works facilities to serve new development are limited, priority shall be given to coastal dependent uses, essential services, public and commercial recreation and visitor-serving land uses. Pursuant to Section 30114 publicly financed recreational facilities, including all projects of the State Coastal

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Conservancy, are considered "Public Works." The Coastal Act also provides that no term or condition may be imposed on the development of any sewage treatment plant relative to future development that can be accommodated (consistent with the Coastal Act).

2. Land Use Plan Provisions

To ensure consistency with the Coastal Act, the policies contained below in the Land Use Plan are intended to facilitate the provision and maintenance of public services, including roads, parking, water and electricity, and wastewater management to protect existing and future residents and visitors to the City and to accommodate the level and types of development that the LUP envisions. Policies also provide for developing measures to improve transit service to and within the City, provide and improve parking facilities, shuttles and van pools. The LUP encourages the voluntary creation of on-site wastewater management districts for certain areas to facilitate the function and operation of on-site septic systems.

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B. Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan.

Section 30254

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30254.5

Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant that is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.

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C. Land Use Plan Policies

7.1 In applying the policies of this Chapter, "Public Works" shall be defined by PRC Section 30114.

7.2 All projects conducted or financed by the State Coastal Conservancy shall constitute "public works facilities" pursuant to the definition provided above in PRC Section 30114.

Deleted: Publicly financed recreational facilities and access improvement projects, including all projects of the State Coastal Conservancy, shall be permitted consistent with the policies contained in the Access and Recreation Section of the LCP and the Access and Recreation policies of the Coastal Act when located between the sea and the first public road.

1. Circulation and Traffic

7.3 Improvements to existing public roads shall be permitted as necessary for public safety and to improve access to recreation areas where such improvements are consistent with applicable policies of the LCP.

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7.4 Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with applicable policies of the LCP.

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7.5 In scenic areas, roadway improvements, including culverts, bridges or overpasses, shall be designed and constructed to protect public views, avoid or minimize visual impacts, and to blend in with the natural setting to the maximum extent feasible.

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7.6 Measures to improve public access to beaches and recreation areas through the use of transit and alternative means of transportation should be developed in coordination with state and national park agencies, Los Angeles County, Caltrans, and appropriate transit providers. Measures may include, but not be limited to:

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- a. Increased transit service;
- b. Improved transfer opportunities between regional transit routes and routes serving the Coastal Zone;
- c. Provision of parking facilities for bicycles, motorcycles and transit vehicles at recreation areas;
- d. Development of park-and-ride or other staging facilities at points along the Ventura Freeway (Highway 101), Pacific Coast Highway, Kanan Dume Road and Malibu Canyon Road at minimum;
- e. Implementation of beach and other recreation shuttles;
- f. Construction of road improvements necessary to facilitate bus travel.

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7.7 Use of public transit modes (bus or van pool service) by commuters to and from metropolitan Los Angeles to reduce congestion on Pacific Coast Highway and cross-mountain roads during peak use hours shall be supported and encouraged.

7.8 Efforts should be made to improve the availability of public transit to and from downtown Los Angeles and other urban areas to public beaches on weekends.

7.9 Road improvements to provide legal access to or facilitate development of a legal parcel may be permitted provided such improvements are consistent with ~~applicable~~ policies of the LCP. Existing legal roads shall be utilized for access where feasible.

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7.10 Road construction and maintenance shall minimize landform alteration and impacts to visual resources and environmentally sensitive habitat areas. Roadway improvements shall be the least environmentally damaging feasible alternative available. Rural (limited secondary) roads shall be the minimum width necessary to accommodate traffic, including public safety vehicles, consistent with County Fire Department standards. Road construction, maintenance and improvements shall conform to Best Management Practices designed to achieve the standards set forth above.

7.11 Caltrans projects to improve traffic flow and safety on Pacific Coast Highway such as establishing bike lanes, use of "reversible lanes", coordinating or retiming traffic signals, providing off-street parking and installing pedestrian overpasses where feasible shall be supported and permitted to the extent they are consistent with other ~~applicable~~ policies of the LCP and maintain the traffic-carrying capacity of the highway.

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7.12 Elimination of existing on-street public parking on Pacific Coast Highway and adjacent side-streets shall not be permitted unless a comparable number of replacement parking spaces are provided in the immediate vicinity and it is demonstrated that such restrictions ~~will not adversely impact public access to the~~ shoreline.

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7.13 All cross-mountain roads shall remain two-lane roads except for passing lanes and safety turnouts.

7.14 Wherever feasible, private driveways shall access local roads and access to the major roadways that serve as primary access routes to recreation areas shall be limited to these local roads. Where private access directly onto a major roadway is the only feasible alternative consolidated driveways and turning lanes should be utilized.

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7.15 Cooperation and coordination with LACMTA, Caltrans, and Southern California Rideshare to support and publicize van pooling, car pooling, telecommuting, and other transportation demand management programs from the Santa Monica Mountains to and from the urban centers of Los Angeles County shall be provided.

2. Water Systems / Wastewater Management

7.16 Additional water storage facilities and/or new pipelines may be allowed in the City to replace deteriorated or undersized facilities and/or to ensure an adequate source of domestic and fire protection water supply during outages or pipeline interruptions provided such facilities are designed and limited to accommodate existing or planned development allowed by the Land Use Plan and can be found to be consistent with applicable policies of the LCP.

7.17 The City should encourage and facilitate the voluntary creation of on-site wastewater management districts for those system operators and owners whose systems are adjacent to impacted surface and groundwaters and/or clustered commercial and multifamily systems, where feasible and necessary.

7.18 The construction of public package wastewater treatment facilities may be permitted consistent with the requirements of the Malibu General Plan and the Malibu Municipal Code.

7.19 [Reserved]

7.20 [Reserved]

7.21 [Reserved]

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Deleted: 7.17 On-site wastewater management zones that establish performance standards including water quality protection measures and periodic inspections should be created and enforced by the Department of Health Services and/or City engineer for the Civic Center area, Point Dume, the immediate coastal strip and any areas known to have poor percolation rates, a high water table or be prone to geologic hazards

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Deleted: A City-wide public sewer system may be designed and proposed, in consultation with the Departments of Health Services and Public Works where it is found to be the least environmentally damaging wastewater treatment alternative, where it is designed to serve a capacity of development which does not exceed the amount allowed by the LCP, and where it is found to be consistent with all other policies of the LCP. In particular, the proposed method of effluent disposal shall be required to be consistent with policies requiring the protection of marine resources, riparian habitat and water quality.

Deleted: Any proposed sewer system shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction.

Deleted: Any assessment district formed to finance construction of a public sewer system shall be considered a public works project pursuant to PRC Section 30114 and must be found consistent with all applicable policies of the LCP including the ultimate level of growth allowed by the LCP and shall not be effective until and unless the Coastal Commission has approved the proposed system as an LCP amendment.

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LIST OF MAPS

City of Malibu General Plan Land Use Map

City of Malibu Zoning Map and Overlay Districts

Environmentally Sensitive Habitat Areas

Public Access

Parks

Trails

Scenic Resources

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APPENDIX 1 LIST OF ACRONYMS

BMP	Best Management Practice
CALTRANS	California Department of Transportation
CCT	California Coastal Trail
CDP	Coastal Development Permit
CEG	Certified Engineering Geologist
ERB	Environmental Review Board
ESHA	Environmentally Sensitive Habitat Area
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
GE	Geotechnical Engineer
GIS	Geographic Information System
GP	General Plan
LA	Los Angeles
LACMTA	Los Angeles County Metropolitan Transit Authority
LA CO	Los Angeles County
LCP	Local Coastal Plan
LIP	Local Implementation Plan
LUP	Land Use Plan
MHTL	Mean High Tide Line
NPS	National Park Service
OSTS	On-Site Treatment System
OTD	Offer to Dedicate
PCH	Pacific Coast Highway
PRC	Public Resources Code
ReCAP	Regional Cumulative Assessment Project
RV	Recreational Vehicle
RWQCB	Regional Water Quality Control Board
SLC	State Lands Commission
SUSMP	Standard Urban Stormwater Mitigation Plan
UCLA	University of California – Los Angeles
USACOE	United States Army Corps of Engineers

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APPENDIX 2

ECOLOGICAL FINDINGS FOR THE CITY OF MALIBU

LOCAL COASTAL PROGRAM LAND USE PLAN

INTRODUCTION

Purpose and Organization of Findings

The California Coastal Act requires the adoption of a Local Coastal Program (LCP) by each City or County (or other entity) governing areas within the California Coastal Zone. Part of the LCP, the Land Use Plan (LUP) requires the identification of Environmentally Sensitive Habitat Areas (ESHAs) within the region, as well as policies for the protection of areas designated ESHA. Prior to incorporation of the City of Malibu, Los Angeles County prepared a coastal Land Use Plan, which was approved by the California Coastal Commission in 1986. The City of Malibu did not adopt the approved LUP following its incorporation. The legislature subsequently adopted legislation requiring the Coastal Commission to adopt an LCP for the City of Malibu no later than September 15, 2002. This document has been prepared to identify the City's framework and basis for deciding which areas in the City of Malibu would be considered ESHAs under the California Coastal Act.

This document is organized in four sections. The introduction discusses the ESHA concept and protection provided through the Coastal Act, and provides the legal basis for identifying ESHAs. The next section provides essential context in the form of a general discussion of the City of Malibu's biological setting. The third section recognizes the known ESHAs within the City of Malibu, which also provides a framework for evaluating other potential ESHAs in the course of site-specific biological surveys. The fourth section addresses the implications of mapping and designating ESHAs within the community, and suggests a "tiered" approach to the protection of biological resources within the City of Malibu.

ESHA Definition and Concept

The California Coastal Act of 1976 (Coastal Act) created the ESHA designation for areas in which "plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Public Resources Code, Section 30107.5). Areas that are designated ESHA are to be strongly protected against any significant disruption of habitat values, a requirement recently reinforced by the courts. Development within an ESHA is restricted to resource-dependent uses, and development on lands adjacent to an ESHA must be sited and designed to prevent significant

degradation of the ESHA. Streams and associated riparian habitat, in addition to protection as ESHAs, are further protected under Section 30231 of the Coastal Act, which includes provisions for buffer areas and prohibits the alteration of streams except under specific conditions.

In the Coastal Act definition of ESHA, there are two primary criteria involved in determining whether an area qualifies for this designation. The first primary criterion is ecological importance, which may be manifest in either or both of two ways: rarity and/or function. Rarity may be either intrinsic (a resource that naturally occurs in few places) or may be due to cumulative losses of a formerly widespread resource. ESHAs whose ecological importance is due to rarity include areas supporting sensitive or endangered species and locally or regionally rare species or habitats. Ecologically important function ("having a special nature or role in an ecosystem") has historically been overlooked, as ESHAs have commonly been recognized on the basis of habitat type. However, function is now recognized as an important factor in protecting important coastal resources in a functional and sustainable manner. A particular area may play a key role in the ecosystem and qualify as an ESHA, even though the habitat type present is widespread (and would not qualify as an ESHA were it not for the important function in that particular area). An area that served as the only connection between related ESHAs could, for this reason, also be considered an ESHA. Likewise, an important watershed area might be classified ESHA for its role in the ecosystem, taking into account both its abiotic functions (e.g., soil, vegetation, and aspect interactions necessary for proper stream functions) and biotic functions (e.g., providing an integrated mixture of riparian and upland habitats necessary to support a diverse fauna). An area that supports unusually high levels of biodiversity could be considered an ESHA due to its special nature.

The second primary criterion is that the area must also be sensitive, (easily disturbed or degraded). Most ecologically important habitat areas are relatively sensitive to disturbance. Some habitat types may be relatively tolerant of disturbance and continue fairly complete function in close proximity to human activity and development. Other habitats, such as dunes, may be easily disturbed even by pedestrian activity. Certain areas may also have easily disrupted functions, such as pinniped (seal and sea lion) haul outs. Other functions, such as habitat linkages and large habitat patch size, are more resilient and/or subject to incremental degradation rather than outright disruption.

MALIBU BIOLOGICAL SETTING

Ecoregional Setting

The City of Malibu lies along the southern edge of the Santa Monica Mountains, occupying most of the length where the mountains meet ocean. The City is

generally on the coastal terrace between the Santa Monica Mountains, which intergrades with the coastal terrace, and the Southern California Bight. The City's boundary extends approximately 2 miles inland, and extends approximately 27 miles from the Ventura County Line on the west to Topanga Canyon Boulevard to the east. It is entirely within the Coastal Zone. Like the rest of cismontane California, the City of Malibu is part of a Mediterranean ecosystem that is found in only four other areas of the world.

The Santa Monica Mountains are part of the larger Transverse Ranges, the only east-west mountain range in Southern California. The Santa Monica Mountains extend about 50 miles from Oxnard to Griffith Park in Los Angeles, with the western portion a relatively intact and important block of habitat and the eastern part relatively fragmented and urbanized. The mountains are typically 5 to 10 miles wide in a north-south direction. This ecosystem supports a number of distinct natural communities, including riparian, wetlands, coastal sage scrub, oak woodlands, and chaparral. The Santa Monica Mountains are connected by narrow corridors to the Sierra Madre, San Gabriel, and San Bernardino Mountains, with the most important ones on the north (inland) side of the mountains in the Camarillo and Calabasas areas. On the south side of the Santa Monica Mountains, the coastal terrace contains the mouths of major canyons and watersheds of the mountain range. The canyons are natural drainages that run toward the ocean from mountain peaks located both within and outside of the Santa Monica Mountains Coastal Zone and interior valleys. The hillsides are dominated by coastal sage scrub and chaparral vegetation, while large riparian areas are found in the drainages.

The ocean adjoining Malibu is the Southern California Bight, a large, wide bay extending from Point Concepcion to San Diego. Malibu is located where the Southern California Bight and the Santa Monica Mountains meet. The ocean here is the heat sink moderating Malibu's climate and strongly influencing the terrestrial habitats. It includes the aquatic habitats of kelp beds and rocky intertidal, many of which support important sea life, including sea lions, fish nurseries, and clams. The marine influence also produces shoreline habitats such as sandy beaches, rocky headlands, and bluff-backed crescent coves. Marine-influenced wetland communities occur where freshwater streams meet the ocean, including estuaries, saltwater marsh, and Malibu Lagoon.

Habitat Types/Communities

The City of Malibu contains many distinct types of ecological communities. These communities provide a wide variety of habitats for plants and animals, including a number of threatened, endangered and sensitive species. The ecological communities in the Malibu area can be divided into three major groups. The first major group is the communities that are relatively widespread

and cover a large portion of the landscape. These are the communities the eye sees when looking from a vista point - the matrix in which veins and nodes of specialized and restricted communities are embedded. The second major group consists of the specialized and restricted communities that occupy narrow portions of the landscape - places with unusually abundant water, unusual rock and soil types, unusual microclimates, or the narrow juxtaposition of certain matrix habitat types. A third category covers those communities that have been modified by human activity so extensively that they no longer function at important or sustainable levels.

Landscape-scale ecological communities are prevalent within the City of Malibu. Examples include:

- Chaparral (generally found on coarse soils with low water-holding capacity, on dry sites with limited coastal influence);
- Coastal scrub (generally found on coarse soils with low water-holding capacity in areas with significant coastal influence);
- Perennial and annual grassland (generally found on deeper and finer soils with high water-holding capacity, regardless of coastal influence); and
- Open near-shore ocean (includes marine habitats beyond the surf zone and/or kelp zones).

These communities are broad classifications with many recognizable subtypes. Some of these subtypes are themselves extensive and common, and others may be either intrinsically rare or are rare due to cumulative loss. Diegan coastal sage scrub is an example of a landscape-scale community that has become rare due to cumulative habitat loss, and which has been much more severely affected than the Venturan coastal scrub subtype that is dominant in Malibu.

Restricted ecological communities naturally occupy a limited amount of the landscape. Because their existence is dependent on specific combinations of substrate characteristics (e.g., soil or rock type), water availability (wetter or drier than the norm), aspect, and similar factors, they are intrinsically uncommon to rare. Ecological communities may be considered restricted in one area and landscape-scale in another, depending on their distribution in an area. In the City of Malibu and the Santa Monica Mountains context, the following are examples of restricted ecological communities: kelp beds; rocky intertidal (between the high and low tide marks); undeveloped sandy beaches, dunes (including dune scrub and coastal strand); coastal bluff and bluff scrub; estuarine wetlands (including salt marshes); freshwater aquatic habitat (such as streams and freshwater marsh); riparian habitats (including willow scrub, willow woodland, and sycamore woodland); woodlands (such as oak savannah, oak woodland, and walnut

woodland); and certain subtypes of landscape ecological communities (such as redshank chaparral).

Anthropogenic ecological communities are those communities which were formerly landscape or restricted ecological communities, but have lost most biotic value or function due to extensive modification. These communities commonly occur within and adjacent to development, and have been modified as a result of such actions as landscaping, maintaining fire breaks, the influence of non-native plant and animal species (such as dogs and cats), human activities (such as walking, bicycling, and off-road vehicle use), and disturbance of wildlife due to noise, nighttime lighting, and human presence. In some cases, these communities superficially appear to be fairly intact, but fragmentation, edge effects, and isolation have largely eliminated their long-term habitat value and they cannot sustain their special values into the future.

Plant and Animal Species of Particular Interest

The City of Malibu and the adjoining Santa Monica Mountains and Southern California Bight area support many plant and animal species. Several of these species are of particular interest due to their rarity, sensitivity, uniqueness, ecological, or recreational importance. These animal species include nearshore shallow water fishes (recreational importance), tidewater goby (*Eucyclogobius newberri*), Southern California steelhead trout (*Oncorhynchus mykiss*), clams, and sea lions (*Zalophus californicus*) and other pinnipeds. Mountain lion (*Felis concolor*) is among the special interest species because the Santa Monica Mountains are among few Southern California coastal areas still supporting this predator. It plays an important role as a top predator specializing in deer, a role it shares with the more generalist predator, the coyote (*Canis latrans*). The mountain lion's persistence in the Santa Monica Mountains is dependent on continuing connectivity to the north (beyond the scope or control of the Malibu LCP), and maintenance of the western Santa Monica Mountains as a large, relatively unfragmented habitat block (partially within the scope and control of this LCP). Plants of special interest include Santa Susana tarplant (*Hemizonia minthornii*), Coulter=s saltbush (*Atriplex coulteri*), Blochman=s dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*), Santa Monica Mountains dudleya (*Dudleya cymosa* ssp. *ovatifolia*), and Plummer=s mariposa lily (*Calochortus plummerae*).

Functions, Interactions, and Dynamics

The presence of a variety of ecological communities supports a wide range of functions, interactions, and dynamics. Ecological communities function by providing living space (habitat) for native plants and animals. Many animal species may use multiple communities for different activities or throughout

different phases of their life cycles. Plants, while often limited to one ecological community, are commonly dependent on pollinators and/or seed dispersers that use multiple ecological communities. Landscape-level dynamics include events such as fires, floods, and landslides. Several ecological communities, such as chaparral, coastal scrub, and riparian habitats, either benefit from or are dependent on periodic catastrophic natural events for renewal.

There are several critical functions, interactions and dynamics in the Santa Monica Mountains context, which are dependent on several factors. Connectivity, for example, occurs at many scales (depending on the plant or animal in question), and describes the potential for species mobility within and between ecological communities. As a well-known example on a large scale, connectivity between the Simi Hills and the Santa Susana Mountains is key to predator diversity within the Santa Monica Mountains. If this connectivity is lost, the coyote will replace the mountain lion as the top predator - a role the coyote already plays in significant part. However, this connectivity is entirely beyond the City of Malibu's Local Coastal Plan area. On a more local scale, connectivity within ecological communities present in the City of Malibu may be critical to maintaining the viability of partially or completely isolated habitat fragments, and the populations of plants and animals which occupy them. In general, the local scale is the most important scale for connectivity functions in Malibu.

The extent and physical size of ecological communities (also known as patch size) is another important factor in maintaining critical functions, interactions, and dynamics within the City of Malibu and Santa Monica Mountains area. Larger blocks generally support a higher level of diversity among plants and animals. This is particularly notable in the cases of species with large home range requirements, such as the mountain lion, which require a very large area of either unfragmented habitat blocks or smaller connected patches to support viable populations. Larger patches are also generally more stable than smaller patches, for a number of reasons. For example, large blocks are rarely affected in their entirety by a single catastrophic event (such as a fire or flood), and there are typically a number of patches at different stages in the dynamic cycles of the system. In the case of chaparral, for example, a large habitat block may contain patches of re-sprouting chaparral with fire-flowers dominant, young open chaparral, and mature dense chaparral. Large blocks are also much more resistant to edge effects, as the edge-to-area ratio decreases exponentially as block size increases. Smaller blocks (and small patches) may easily become highly degraded when most of their area is affected by edge effects. In general, contiguity with the relatively unfragmented block of core habitat in the western Santa Monica Mountains is the most important ecological function of habitats along the northern boundary of the City of Malibu. This importance is greatest along the northernmost edge of the City, where edge effects from existing development are least, and the importance becomes reduced or absent as one moves closer to the existing development and smaller parcelization in Malibu.

Vulnerabilities

Ecological communities are vulnerable to many degrading influences. These include the more obvious direct modification and/or removal of plants and animals due to development, and also include several indirect impacts relating to human disturbances.

Edge effects occur along the border between developed and undeveloped areas. These effects can extend a considerable distance (hundreds of feet) from the development footprint. Edge effects occur from exotic plants and animals, including dogs and cats (which may disturb, kill, or injure wildlife and damage plants), pests (such as Argentine ants, rats, and house mice), invasive plants (including pampas grass, giant reed, and castor bean; these are usually confined to disturbed areas, but some can be nearly regional in their effects). Edge effects also include light and noise, and fuel management.

Fuel management generally involves brush clearance (which disturbs or eliminates wildlife and opens the area to invasion by exotic species), and typically extends up to 200 feet or more from development, depending on nearby topography and vegetation (more extensive fuel modification is typically needed where there are steep slopes below structures or where fuels loads are higher, such as north-facing slopes). Fuel modification may account for 95 percent of the impact of dispersed residential development, as a 10,000-square foot residential building site more than 200 feet from the nearest neighbor typically requires a direct impact of 4.75 acres of brush clearance or modification. Other edge effects further dwarf the direct effects of a 10,000-square foot building site, and may extend hundreds of feet beyond the directly impacted brush clearance zone, depending on the impact in question (dogs and cat predation, night lighting, Argentine ants, spread of weedy plants, etc.). Tables A and B illustrate the relative magnitudes of edge effects an isolated 10,000-square foot building site. In general, edge effects due to historic development patterns have reduced habitat functions closer to the built-up portions of Malibu, but have had less effect along the northern edge of the City. As illustrated in these tables, the direct impact of development can extend up to appropriately 5 acres, while indirect impacts can affect an area of up to 15 to 20 acres.

Broad effects occur on a larger scale, and can be near-regional. Such effects include type conversions due to excessive fire as well as fire suppression. Type conversion results when fire occurs at a frequency greater than the full regeneration period required by a community or its elements. For example, a chaparral shrub that requires 20 years to produce enough seed to fully re-establish itself would be eventually eliminated by fires occurring more frequently than 20 years. After repeated short fire cycles, chaparral and coastal scrub tend

to convert to weedy annual grasslands, which are themselves tolerant of and vulnerable to frequent fires. Fire suppression tends to result in larger, more catastrophic fires in decadent stands, and results in impacts relating to fuel breaks (with the associated brush clearance edge effect). Additionally, certain exotic species, such as tamarisk, Russian thistle, and some non-native grasses, can spread beyond physically disturbed areas and impact native species on a much larger scale.

EVALUATION OF MALIBU BIOLOGICAL RESOURCES AS ESHA

Especially Valuable and Vulnerable Due to Rarity

Within the City of Malibu, several ecological communities are especially valuable and vulnerable due to their rarity. These include intrinsically rare and vulnerable resources, such as restricted ecological communities and rare subtypes of landscape-scale communities. Restricted communities qualifying as ESHA include kelp beds; rocky intertidal (between the high and low tide marks); undeveloped sandy beaches, dunes (including dune scrub and coastal strand); coastal bluff and bluff scrub; estuarine wetlands (including salt marshes); freshwater aquatic habitat (such as streams and freshwater marsh); riparian habitats (including willow scrub, willow woodland, and sycamore woodland); woodlands (such as oak savannah, oak woodland, and walnut woodland). Rare subtypes of landscape-scale communities are found in chaparral and coastal scrub types. The chaparral community within the Malibu area includes three rare subtypes: bigpod ceanothus (*Ceanothus megacarpus*) dominated chaparral, hoary-leaf ceanothus (*C. crassifolius*) dominated chaparral, and redshank (*Adenostoma sparsifolium*) dominated. One subtype in the coastal scrub community is considered rare, the cactus scrub. All of these ecological communities are intrinsically rare and vulnerable, and are thus potential ESHAs.

Additionally, there are landscape-scale ecological communities that are rare due to past (cumulative) loss located within the Malibu area. These include all subtypes of native grassland, as well as the Diegan subtype of coastal sage scrub. These ecological communities are now ecologically important due to their much-reduced ranges, and qualify as ESHAs.

Especially Valuable and Vulnerable Due to Function

Ecological communities at critical locations may be especially valuable due to the functions they provide. As discussed above, two functions are particularly critical in the Malibu context: connectivity and large patch size. These two functions are of particular interest where they occur in the landscape-scale communities, which do not qualify as ESHA in their entirety because they are common and

widespread communities, but which may qualify as ESHA in the specific locations where these critical functions are performed ("because of their special nature or role in an ecosystem"). Restricted communities may be ESHA due to either rarity or both rarity and key function (so function is non-critical to their designation and protection as ESHA), but the landscape-scale communities may be protected as ESHAs only where they have ecological importance due to function. Additionally, some areas provide functions that are ecologically important to human use and interest, such as shore fishing areas, clam habitat, and marine protected areas designated by the California Department of Fish and Game.

Unlike ESHA resources that are rare, ESHA resources that are important due to function cannot be mapped by habitat type because the function is generally independent of habitat type. Habitats with important functions may be of common, landscape-level types, but not all patches of these common, landscape-level habitat types perform the important role in an ecosystem necessary to be an ESHA. These habitat types may be recognized by their spatial distributions, considering their locations relative to other habitats and disturbed areas. Habitat areas that are strategically located between patches of habitat may be found to be ESHAs due to connectivity function. Habitat areas contiguous with the main core of the Santa Monica Mountains and not degraded by edge effects may be presumed to be ESHAs due to large patch size functions. If specific criteria are developed, based on scientific literature, habitats with important ecological functions may be mapped as objectively as rare habitats mapped by type.

Connectivity Function. Within the City of Malibu, the connectivity function is generally important at local scales, and is important to prevent isolating habitat patches and their associated populations. Habitat providing this key function may be of essentially any type (e.g., chaparral, scrub, annual grassland, riparian, wetland, etc.) except highly modified anthropogenic types (e.g., developed, intensive agriculture, etc.). To serve this function, the habitat must link one or more patches that, together, would meet the definition of an ESHA and that would otherwise be isolated and not meet the definition of an ESHA if the habitat in question were fully removed or fragmented. Additionally, the linked patches must be large enough to be viable and function as sustainable habitat patches.

Large Patch Size Function. Function as part of a large block of habitat is the functional form of ecological importance most significant in the Malibu/Santa Monica Mountains setting. Large habitat blocks, as discussed above, support diversity, provide habitat for species with large home range requirements, and provide stability. Well-connected large blocks are essential to maintaining populations of certain high interest species, such as mountain lions. Habitat

providing this key function may also be of essentially any native or naturalized type (e.g., chaparral, scrub, annual grassland, riparian, wetland, etc.). To serve this function, the habitat block must be contiguous with or connected to the main core habitat of the western Santa Monica Mountains. If it is a patch connected to the core habitat but not contiguous with it, the patch must be large enough so that edge effects affect only a small portion of the patch and do not compromise its viability and sustainability. If the habitat in question is contiguous with the core habitat, it must be far enough from existing development to be minimally affected by edge effects. Habitat between fingers of development but contiguous with the core western Santa Monica Mountains habitat generally does not perform this function, as its ecological importance has been lost to existing development. Table C shows that habitat on parcels smaller than 20 acres will rarely, if ever, be able to sustain the large patch function necessary to qualify as an ESHA due to the edge effects of existing development or future development.

Resources that Generally Lack High Value

Although there are many plant and animal communities within the Malibu area that have high ecological importance and may be sensitive to human disturbance, there are also areas that generally lack high value and do not perform critical functions. Such areas include those that have been significantly modified by development, both within the footprint of the development and areas that have been degraded by edge effects and small fragment size and are no longer sustainable. These areas are poor candidates for ESHA designation.

IMPLICATIONS OF DESIGNATING LANDS ESHA AND THE NEED FOR A TIERED APPROACH TO HABITAT PROTECTION

The California Coastal Act states that that environmentally sensitive habitat areas are to be "protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas" (Public Resources Code Section 30240(a)). The proposed Malibu LCP prepared by Coastal Commission staff provides an exception to this policy where there are no feasible alternatives to avoid taking of private property other than developing portions of the site that are designated ESHA. Thus, the exception permitting non-resource dependent uses within ESHA is designed to avoid the takings that might otherwise result from designating undeveloped privately owned properties as ESHA

Los Angeles County, the Las Virgenes Homeowners Federation, and others have questioned whether a Local Coastal Program can grant such exceptions to Public Resources Code Section 30240(a), particularly in light of recent court rulings (see Bolsa Chica Trust v. Superior Court [California Coastal Commission,

Real Part in Interest] (1999) 71 Cal.App. 4th 493). These parties have argued that the concept of allowing exceptions to the statutory limitation on resource-dependent uses in the Malibu LCP is “fatally flawed because it is in direct conflict with the provisions of the Coastal Act related to ESHAs.”¹ The Federation notes that the Malibu LCP is based on a rationale that “residential development must be allowed in ESHA because a compensable ‘taking’ of private property would otherwise occur” and “there is no money to pay condemnation damages.”

A review of Coastal Act does not indicate any provisions that would permit an exemption from provisions addressing the protection of environmentally sensitive habitat areas. In addition, the Coastal Act does not prohibit taking of property, but states that implementation of the Coastal Act cannot “take or damage private property for public use, without payment of just compensation” (emphasis added)². In addition, the Coastal Act acknowledges that conflicts may occur between one or more policies of the Act, and that when such a conflict occurs, they are to be “resolved in a manner which on balance is the most protective of significant coastal resources.”³ Thus, it is concluded that the Local Coastal Program proposed by Coastal Commission staff for the City of Malibu is inconsistent with the ESHA provisions of the Coastal Act in that the LCP permits non-resource dependent uses within areas designated ESHA.

The need to avoid large-scale takings that could result from prohibiting non-resource dependent uses within ESHAs and the resulting conflict between the proposed Malibu LCP and the Coastal Act occurs because of a dramatic change in the way ESHAs are defined and designated in the currently proposed LCP as compared to the certified 1986 Coastal Land Use Plan for Malibu and the Santa Monica Mountains. The 1986 LUP designated wetlands, streams, riparian corridors, and certain oak woodlands as ESHA. Other important habitat areas that were found at that time not to meet the statutory definition of ESHA were identified and provided with protection other than the statutory limitations on uses within ESHA. Thus, the 1986 LUP designated “Significant Watersheds,” “Wildlife Migration Corridors,” “Resource Management Areas,” “Significant Oak Woodlands and Savannahs,” and “Locally Disturbed Sensitive Resource Areas” in addition to ESHAs. Whereas the 1986 LUP maintained the statutory restriction within ESHAs to resource dependent uses, limited residential use was permitted within the other designated sensitive resource areas, subject to specific development clustering and resource protection policies.

The clustering provisions set forth in the 1986 LUP are consistent with the provisions of Public Resources Code Section 30007.5, which states that conflicts between policies of the Coastal Act are to be resolved in a manner which is the

¹ David C. Cowardin, Los Angeles County Department of Regional Planning, *Comments on the Proposed Local Implementation Plan for City of Malibu Local Coastal Program*, June 26, 2002.

² Public Resources Code Section 30010

³ Public Resources Code Section 30007.5

most protective of significant coastal resources. This Section notes that “broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife and other similar resources policies.” Whereas clustering policies were provided for non-ESHA sensitive resource areas in the 1986 LUP for Malibu and the Santa Monica Mountains, the proposed 2002 LCP for the City of Malibu, does not. The currently proposed LCP emphasizes specific resources policies, and aims to locate the development area and limit the developed area of sites where a non-resource dependent use is permitted within an ESHA so as to represent the “least environmentally damaging alternative” for that property.

A “tiered” concept of habitat protection including resource protections for both ESHA and non-ESHA areas is preferable to the concept set forth in the Malibu LCP prepared by Coastal Commission staff for several reasons.

- Land uses within ESHA can be limited to resource dependent uses consistent with the provisions of Public Resources Code Section 30240(a).
- The LCP would not be required to provide exemptions to the statutory limitation on permitted uses within ESHAs.

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Potentially large-scale takings for which compensation must be provided pursuant to the provisions of Public Resources Code Section 30010 and for which funds are not available can be avoided.

Resource areas not meeting the statutory definition of ESHA, but which nevertheless contain significant resources, can be provided with appropriate protection through LCP policies and requirements other than those established for ESHAs.

The provision of resource protection to non-ESHA resource areas is consistent with the provisions of Public Resources Code Section 30007.5 as a means of resolving potential conflicts between Coastal Act policies limiting permitted uses and requiring the protection of ESHAs, and policies aimed at avoiding takings.

As noted above and as illustrated in Tables A and B, development of a single-family residence could directly impact up to 5 acres of habitat and indirectly impact of more than 10 acres, with potential significant impacts on habitat over than area. Where existing lot sizes are 10 acres or less, LCP provisions permitting development within ESHAs of single-family residences to avoid a taking will effectively result in significant disruption of habitat values over the entire area of the site. Thus, if a single residence is to be permitted, parcels 10 acres in size and smaller should not be designated ESHA designation if they contain “landscape” habitat types.

April 12, 2004

Table A - Direct and Indirect Effects of Isolated Development

<u>Shape of Building Pad</u>		<u>Size of Building Pad (in acres)1</u>	<u>Fuel Modification (in acres)2</u>	<u>Edge Effects (in acres)3</u>
<u>Round4</u> <u>(56 feet diameter)</u>	<u>Item itself</u>	<u>0.23</u>	<u>4.5</u>	<u>13.7</u>
	<u>Cumulative total</u>	<u>0.23</u>	<u>4.7</u>	<u>18.5</u>
<u>Square5</u> <u>(100 feet square)</u>	<u>Item itself</u>	<u>0.23</u>	<u>4.7</u>	<u>13.8</u>
	<u>Cumulative total</u>	<u>0.23</u>	<u>5.0</u>	<u>18.7</u>

Equal to 10,000 square feet.
200 feet in each direction.
250 feet beyond fuel modification area.
Most efficient shape mathematically possible.
More typical but less efficient shape.

Table B - Effects of Extra Fuel Modification in One Direction

<u>Shape of Building Pad</u>		<u>Size of Building Pad1</u>	<u>Fuel Modification (in acres) Increasing the area to 200 feet in Three Directions, and 300 feet in One Direction)</u>	<u>Edge Effects (in acres)2</u>
<u>Round3</u> <u>(56' diameter)</u>	<u>Item itself</u>	<u>0.23</u>	<u>5.6</u>	<u>14.6</u>
	<u>Cumulative total</u>	<u>0.23</u>	<u>5.8</u>	<u>20.5</u>
<u>Square4</u> <u>(100' square)</u>	<u>Item itself</u>	<u>0.23</u>	<u>6.1</u>	<u>14.7</u>
	<u>Cumulative total</u>	<u>0.23</u>	<u>6.3</u>	<u>21.0</u>

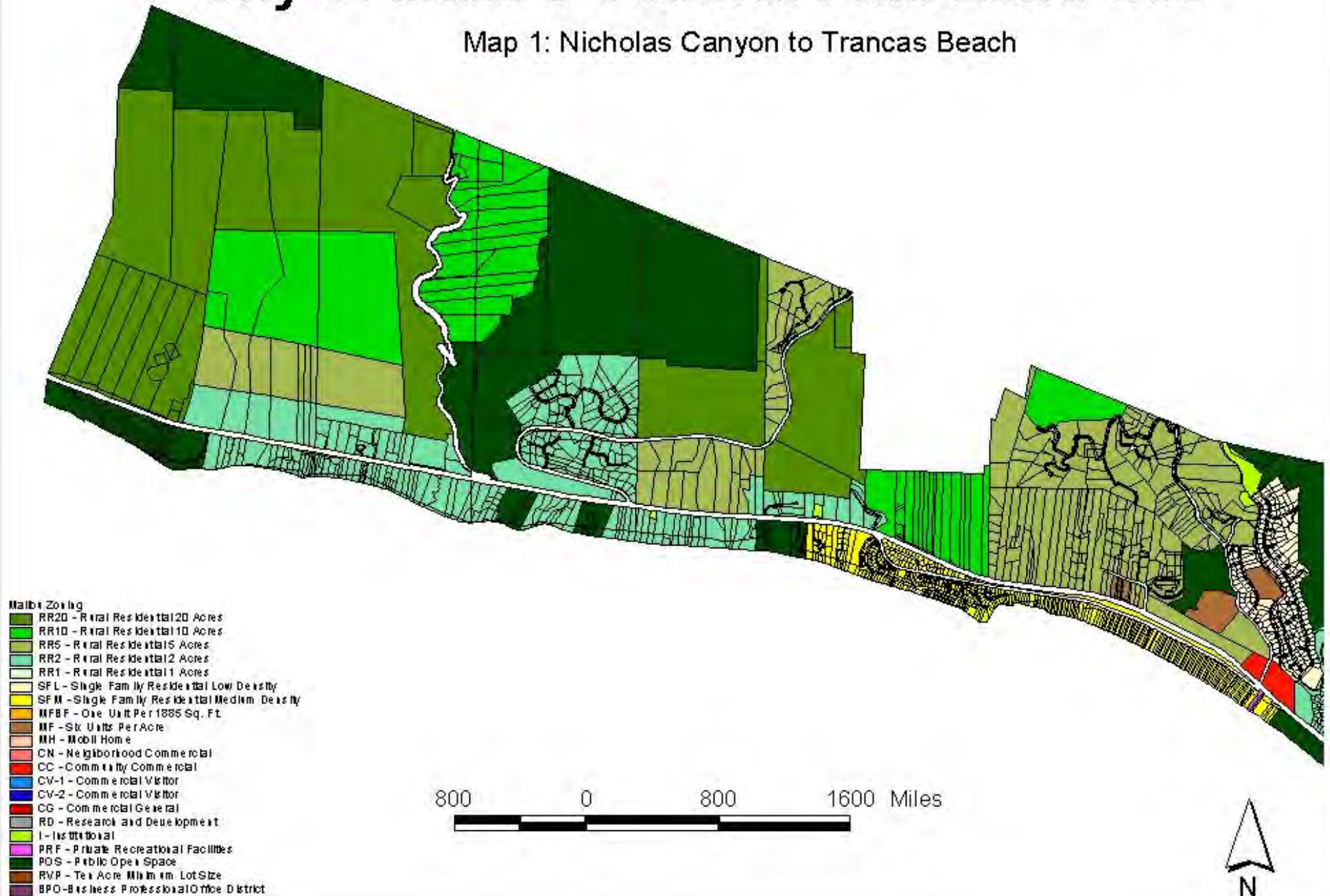
Equal to 10,000 square feet.
250 feet beyond fuel modification area.
Most efficient shape mathematically possible.
More typical but less efficient shape.

Table C - ESHA Resources in the City of Malibu

Category	Location	Habitat Type
<u>ESHA:</u> <u>Especially</u> <u>Valuable and</u> <u>Vulnerable due</u> <u>to Rarity</u>	<u>Marine</u>	<u>Restricted Habitat Types:</u> <u>Intertidal/Subtidal.</u> <u>Kelp beds.</u> <u>Near shore shallow water fish habitat.</u> <u>Clam habitat.</u> <u>Rocky shoreline.</u>
<u>ESHA:</u> <u>Especially</u> <u>Valuable and</u> <u>Vulnerable</u>	<u>Shoreline</u>	<u>Restricted Habitat Types:</u> <u>Marsh/Wetland, including Coastal and Valley Freshwater Marsh.</u> <u>Coastal Brackish Marsh.</u> <u>Undeveloped Sandy Beaches and coastal strand.</u> <u>Dunes, including Southern Foredunes, Southern Dune Scrub.</u> <u>Coastal bluffs, including Southern Coastal Bluff Scrub.</u>
<u>ESHA:</u> <u>Especially</u> <u>Valuable and</u> <u>Vulnerable</u>	<u>Inland</u>	<u>Restricted Habitat Types (in the Malibu ecoregional context):</u> <u>Riparian Stream Corridors, including willow scrub, willow woodland,</u> <u>and sycamore woodland.</u> <u>Oak Woodlands, including Valley Oak Woodland.</u> <u>California Walnut Woodland.</u> <u>Rare Subtypes of Landscape-level Habitat Types:</u> <u>Bigpod Ceanothus (Ceanothus megacarpus) Chaparral.</u> <u>Hoary-leaf Ceanothus (Ceanothus crassifolius) Chaparral.</u> <u>Redshank Chaparral.</u> <u>Cactus Coastal Scrub.</u> <u>Greatly Reduced Landscape-level Habitat Types:</u> <u>Native Grasslands Valley Needlegrass:</u> <u>Diegan Coastal Sage Scrub.</u>
<u>ESHA:</u> <u>Especially</u> <u>Valuable and</u> <u>Vulnerable due</u> <u>to Function</u>	<u>Marine</u>	<u>Key functions for special-interest species:</u> <u>Sea lion haul outs.</u> <u>Key functions due to human interest and recreation:</u> <u>Shore fishing area, including near-shore shallow water fish habitat.</u> <u>Clam habitat.</u>
<u>ESHA:</u> <u>Especially</u> <u>Valuable and</u> <u>Vulnerable due</u> <u>to Function</u>	<u>Inland</u>	<u>Key functions as part of unfragmented Santa Monica Mountains core</u> <u>habitat:</u> <u>Large, Unfragmented Habitat Blocks</u> <u>Includes all types within blocks: chaparral, scrub, annual grassland,</u> <u>riparian, wetland, etc.</u> <u>Examples include: Upper Zuma Canyon, Malibu Canyon, Tuna/Pena</u> <u>Canyon woodlands</u> <u>Key function as a local scale habitat connector:</u> <u>Includes any habitat type in the connector (e.g., chaparral, scrub,</u> <u>annual grassland, riparian, wetland, etc.), except highly modified</u> <u>anthropogenic types.</u>
<u>Non-ESHA:</u> <u>Resources that</u> <u>Generally Lack</u> <u>High Value</u>	<u>Shoreline</u>	<u>Developed Sandy Beaches.</u>
<u>Non-ESHA:</u> <u>Resources that</u> <u>Generally Lack</u> <u>High Value</u>	<u>Inland</u>	<u>Small, isolated habitat fragments of landscape-level habitat types,</u> <u>lacking long-term habitat value (e.g., not viable over the long-term).</u> <u>Areas of landscape-level habitat types subject to edge effects and/or</u> <u>high levels of human disturbance.</u> <u>Developed areas.</u>

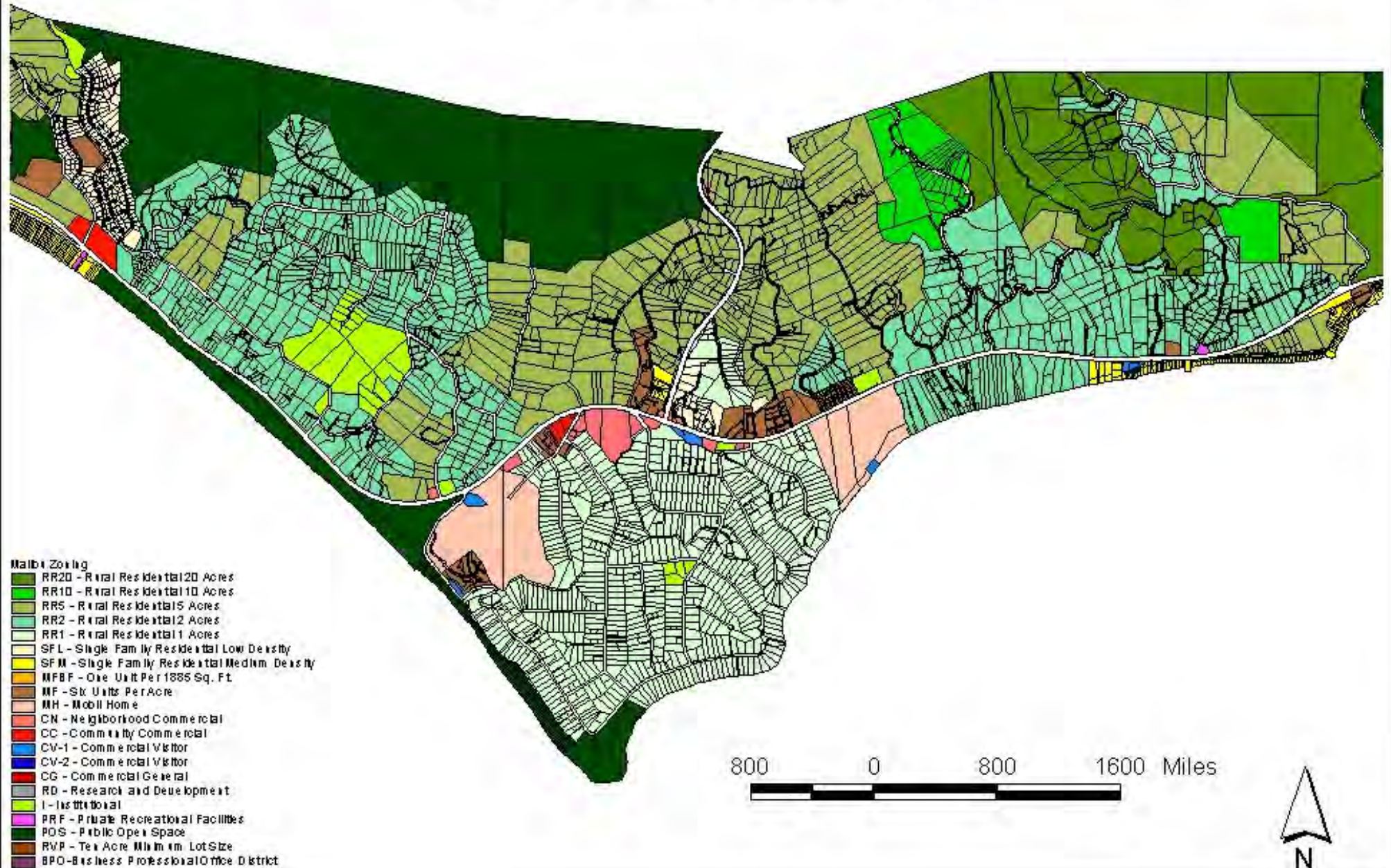
City of Malibu General Plan Land Use

Map 1: Nicholas Canyon to Trancas Beach



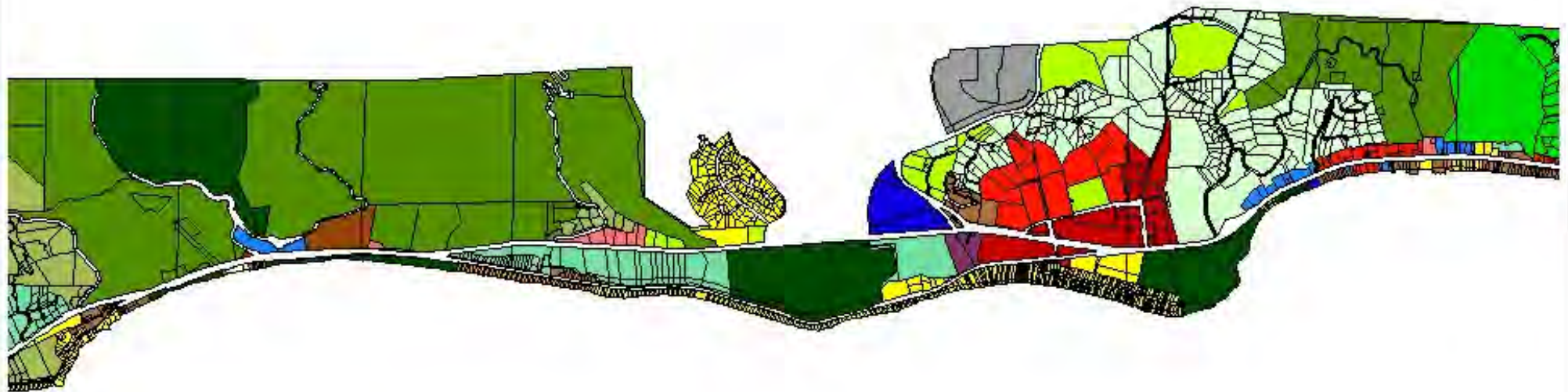
City of Malibu General Plan Land Use

Map 2: Zuma Beach to Escondido Beach



City of Malibu General Plan Land Use

Map 3: Dan Blocker to Malibu Pier



Malibu Zoning

- RR20 - Rural Residential 20 Acres
- RR10 - Rural Residential 10 Acres
- RR5 - Rural Residential 5 Acres
- RR2 - Rural Residential 2 Acres
- RR1 - Rural Residential 1 Acre
- SFL - Single Family Residential Low Density
- SFM - Single Family Residential Medium Density
- MF8F - One Unit Per 1885 Sq. Ft.
- MF - Six Units Per Acre
- MH - Mobile Home
- CN - Neighborhood Commercial
- CC - Community Commercial
- CV-1 - Commercial Visitor
- CV-2 - Commercial Visitor
- CG - Commercial General
- RD - Research and Development
- I - Institutional
- PRF - Private Recreational Facilities
- POS - Public Open Space
- RVP - Ten Acre Minimum Lot Size
- BPO - Business Professional Office District

800 0 800 1600 Miles



City of Malibu General Plan Land Use

Map 4: Carbon Beach to Topanga Beach

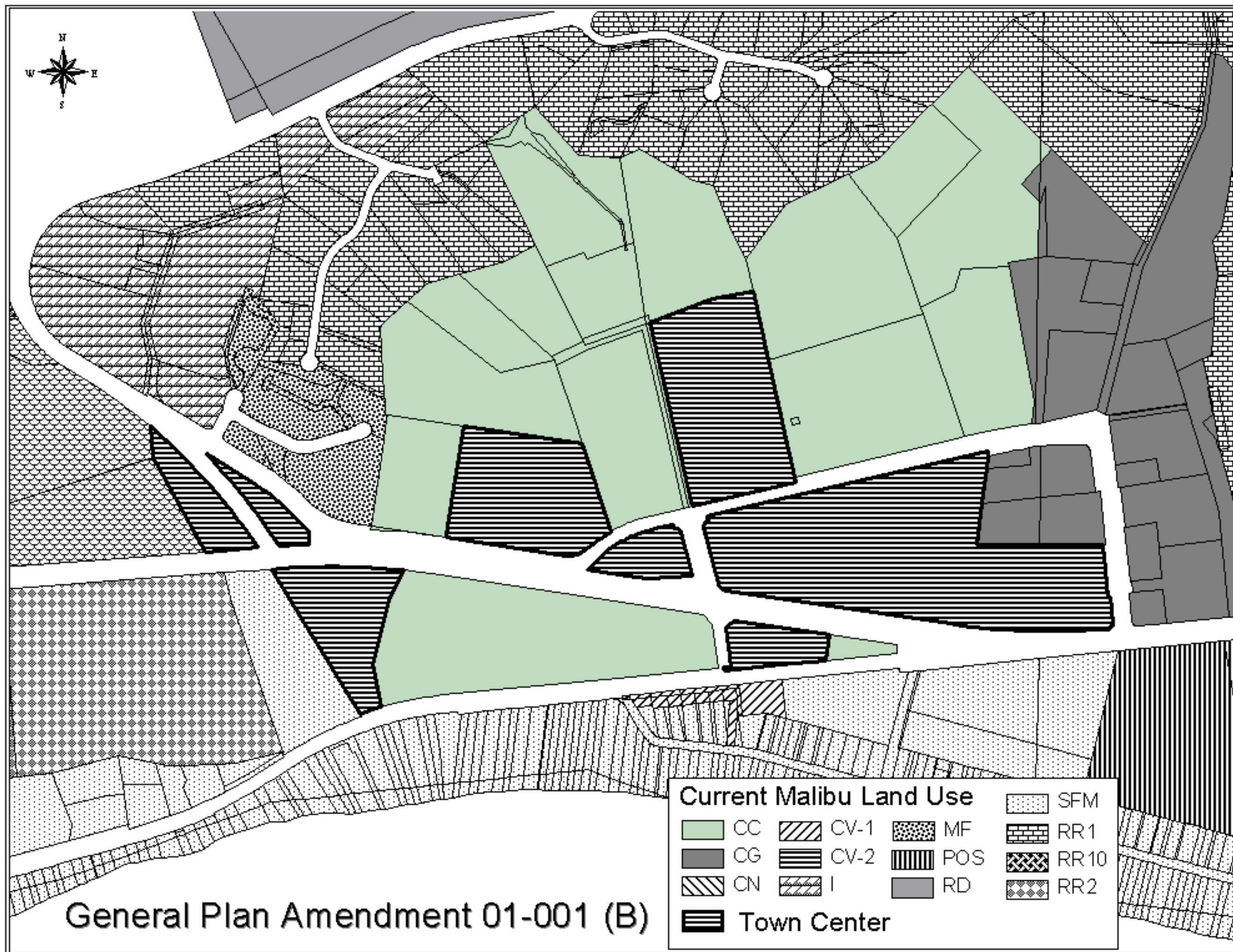


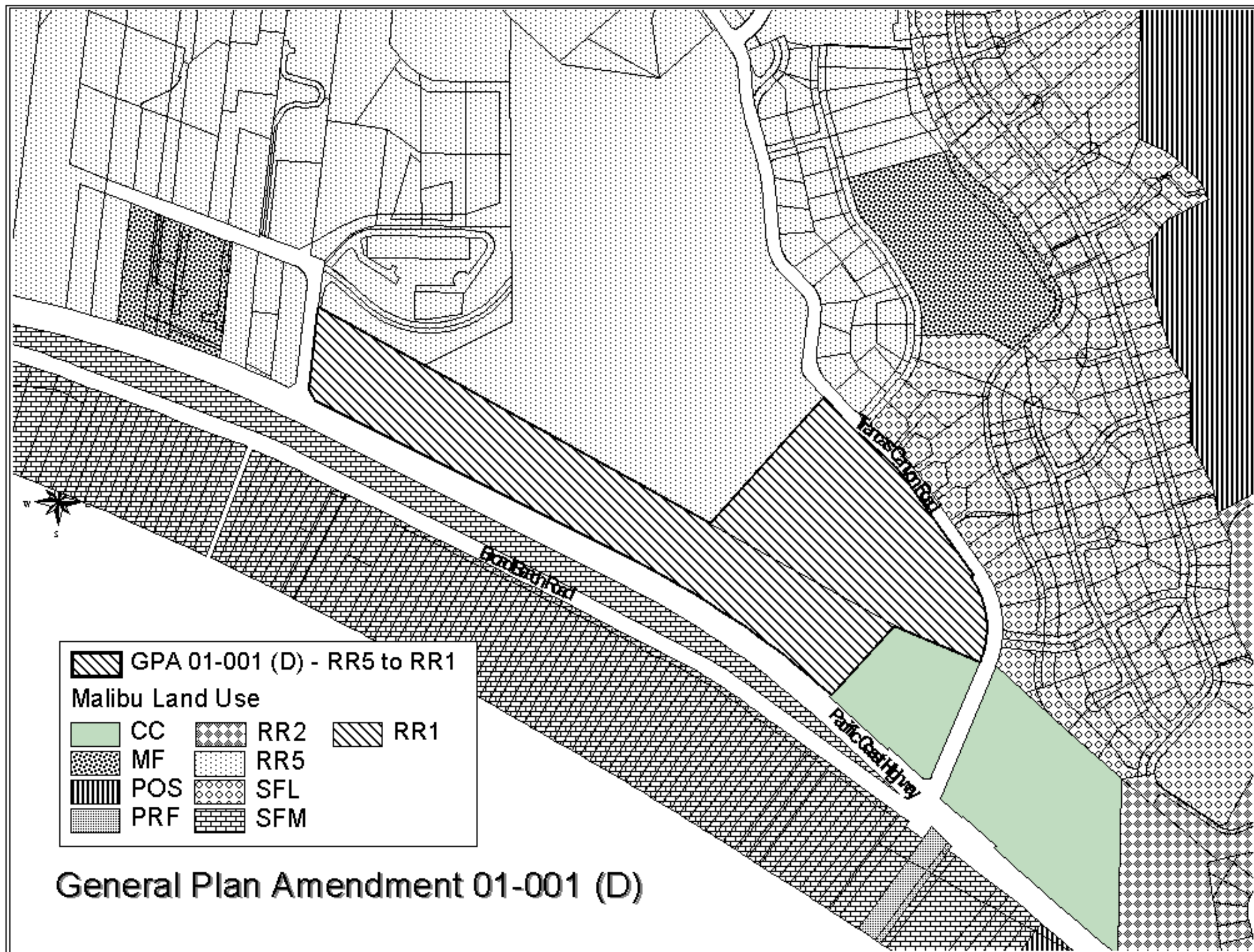
Malibu Zoning

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800 0 800 1600 Miles

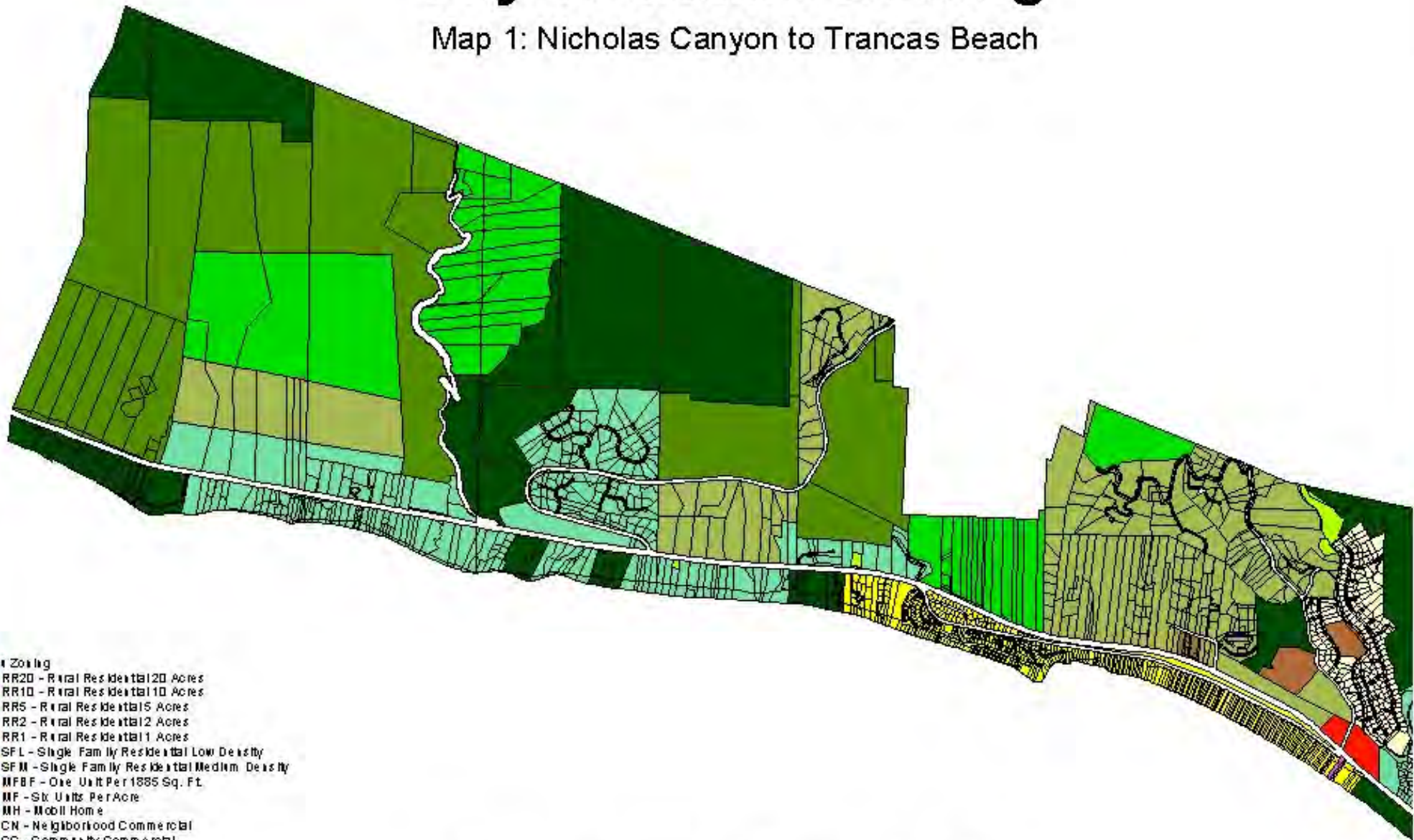






City of Malibu Zoning

Map 1: Nicholas Canyon to Trancas Beach



Malibu Zoning

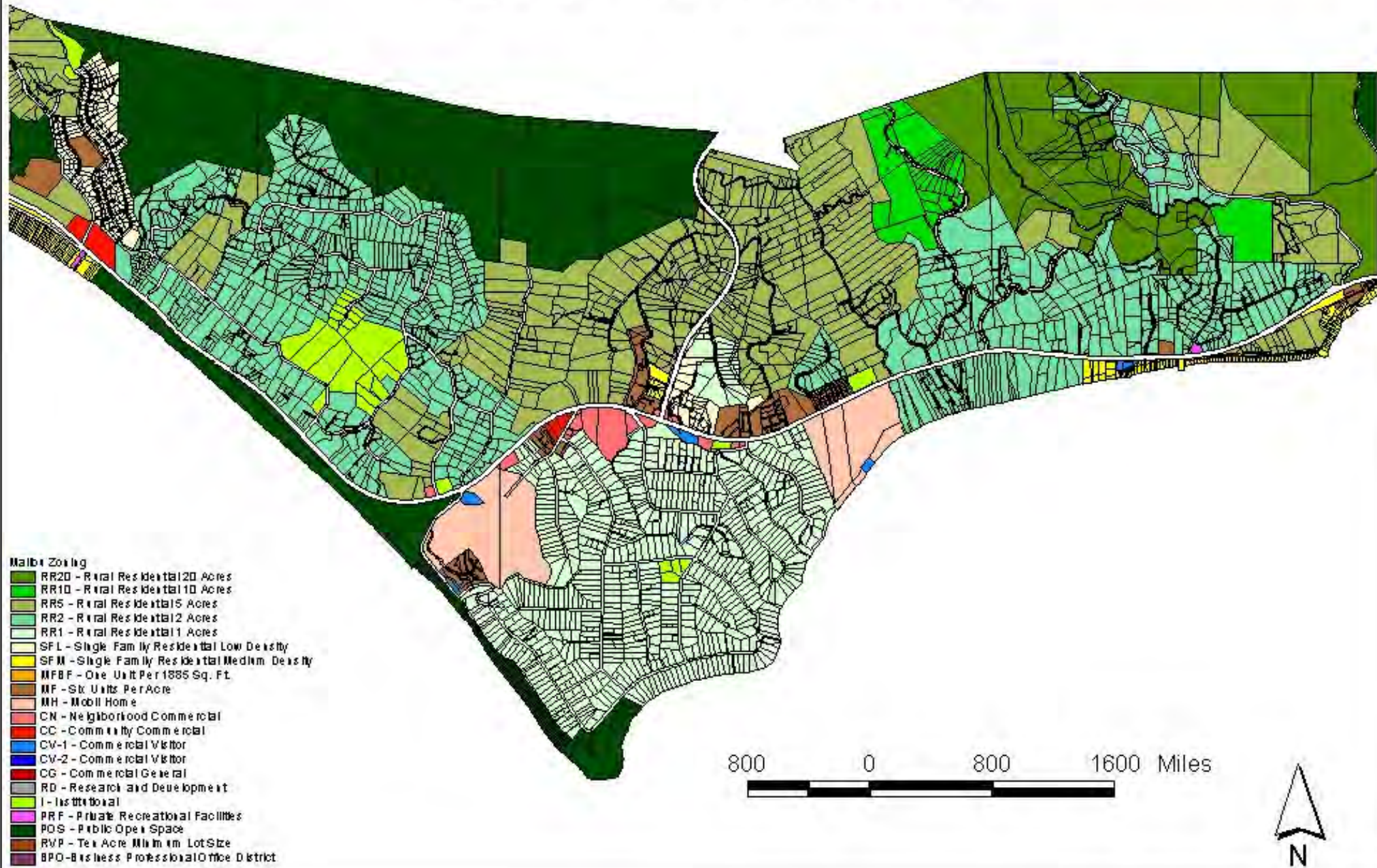
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800 0 800 1600 Miles



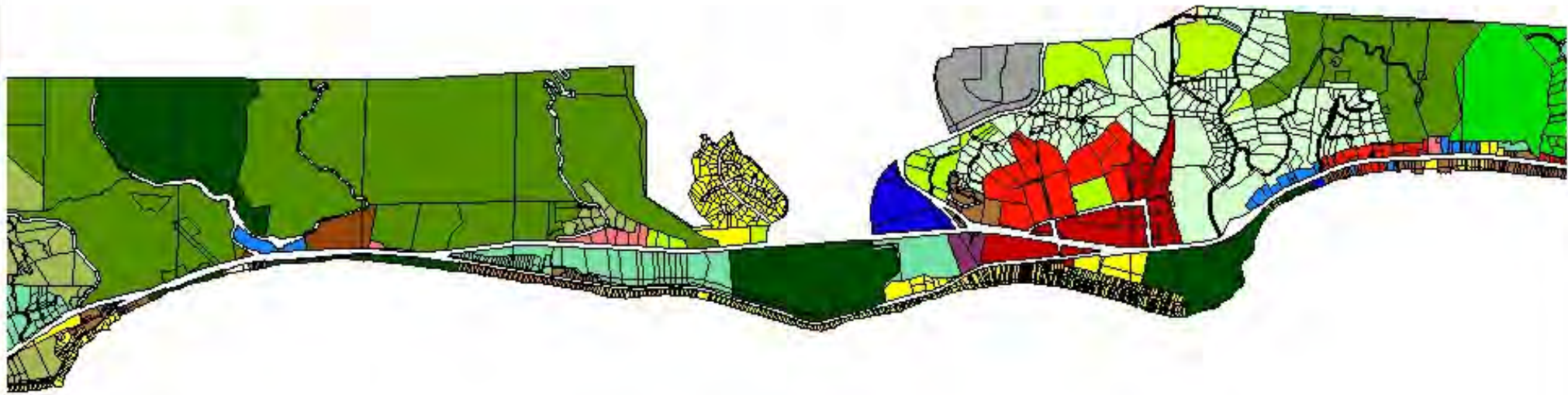
City of Malibu Zoning

Map 2: Zuma Beach to Escondido Beach



City of Malibu Zoning

Map 3: Dan Blocker to Malibu Pier



Malibu Zoning

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800 0 800 1600 Miles



City of Malibu Zoning

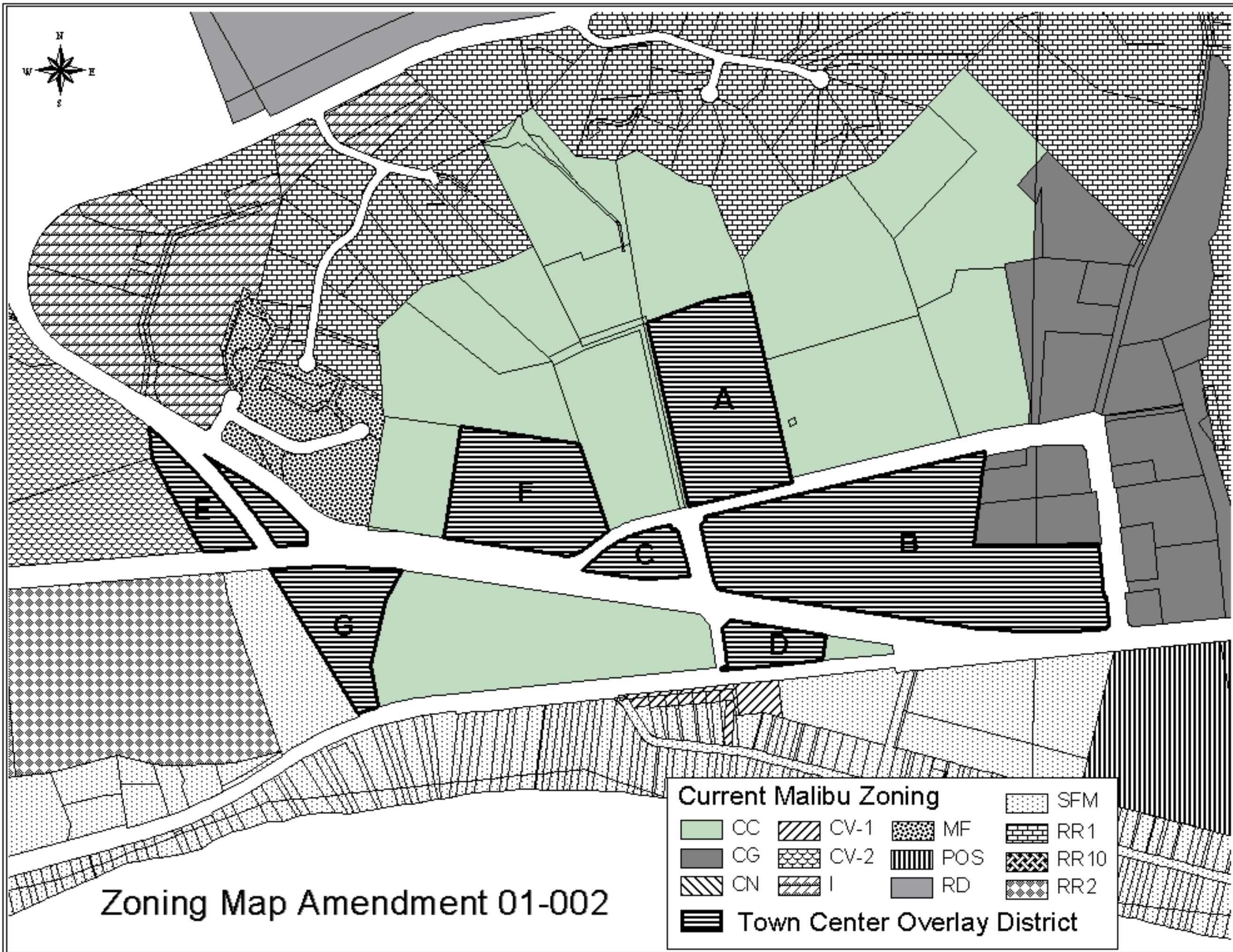
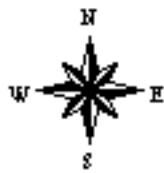
Map 4: Carbon Beach to Topanga Beach

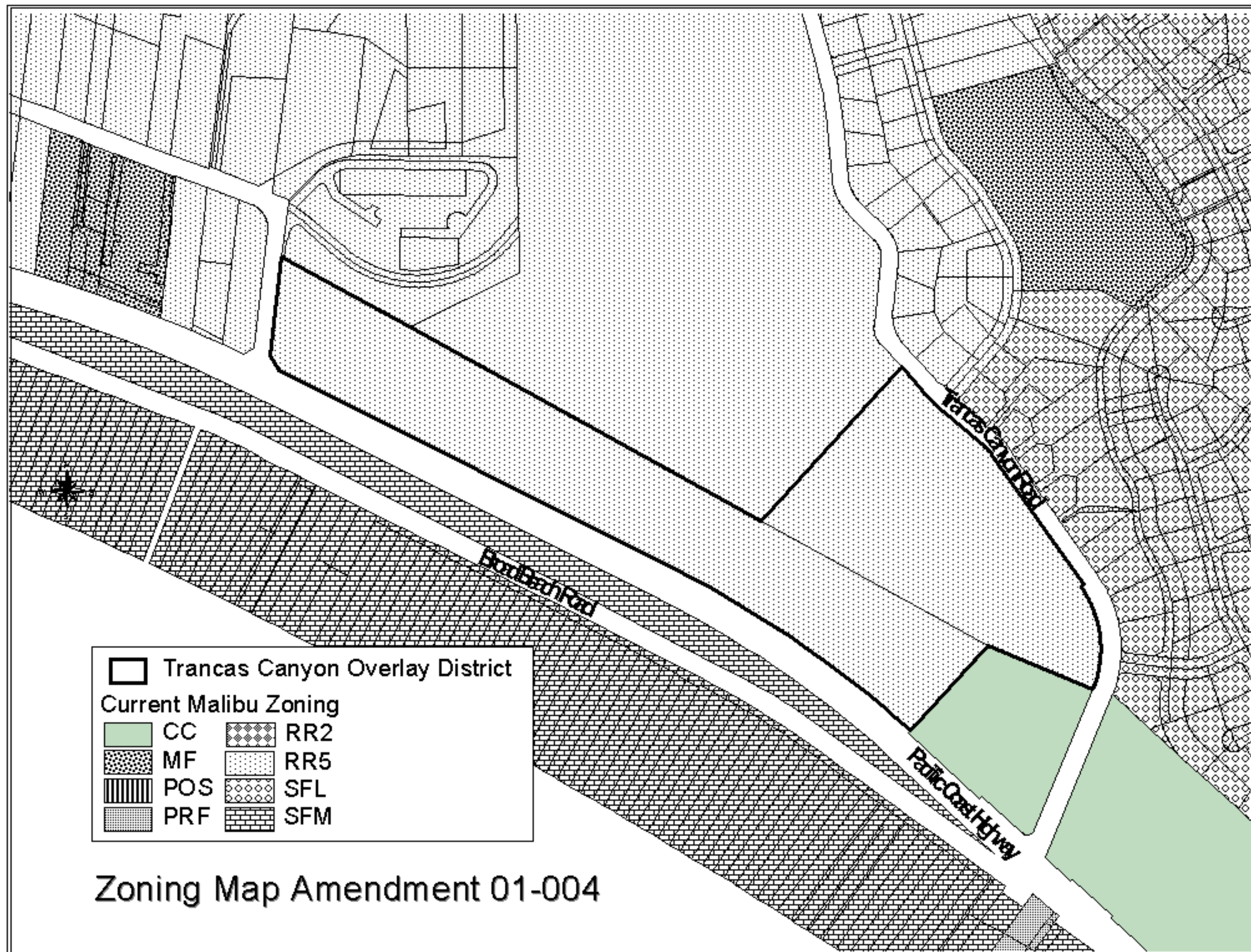


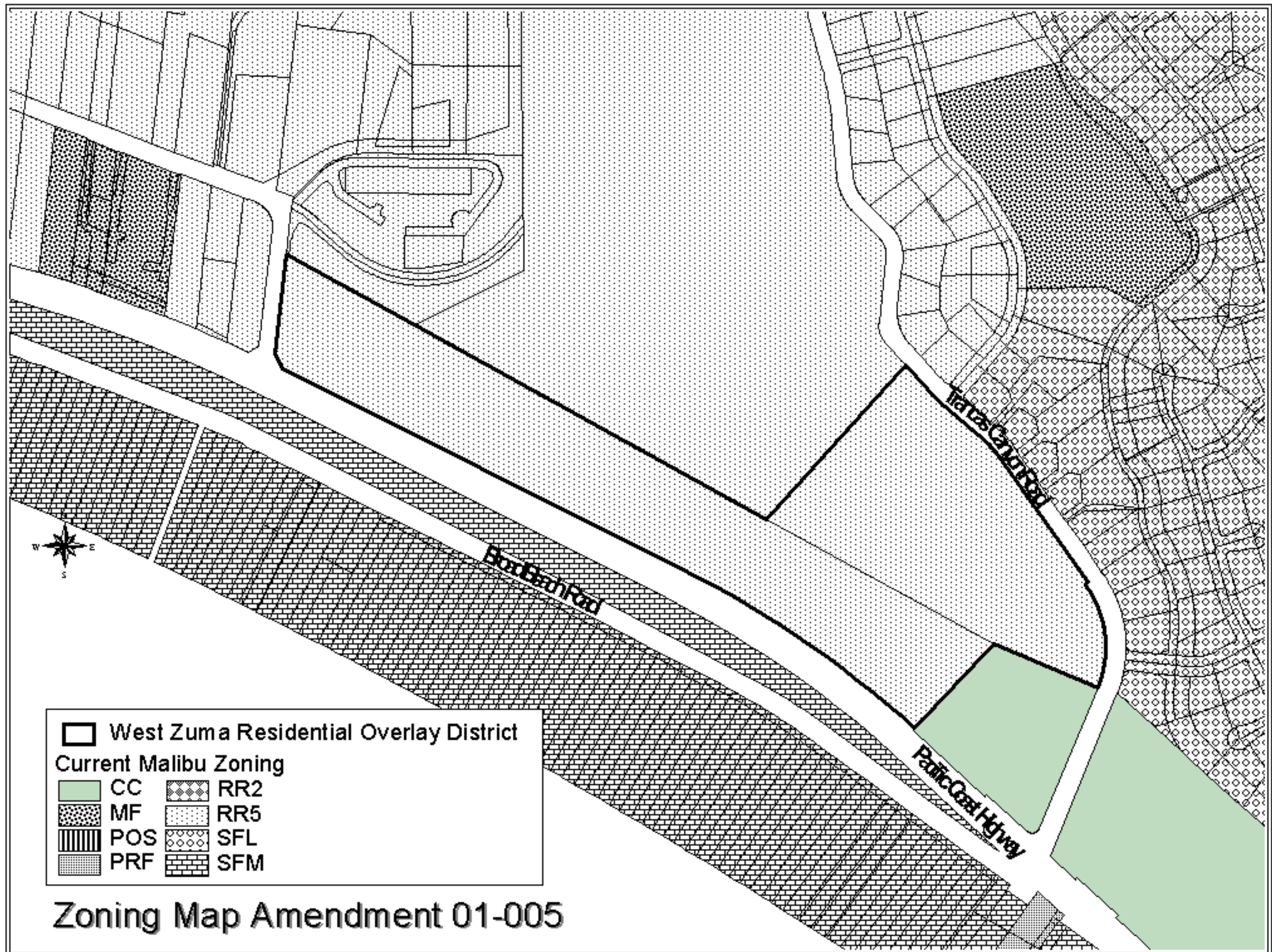
Malibu Zoning

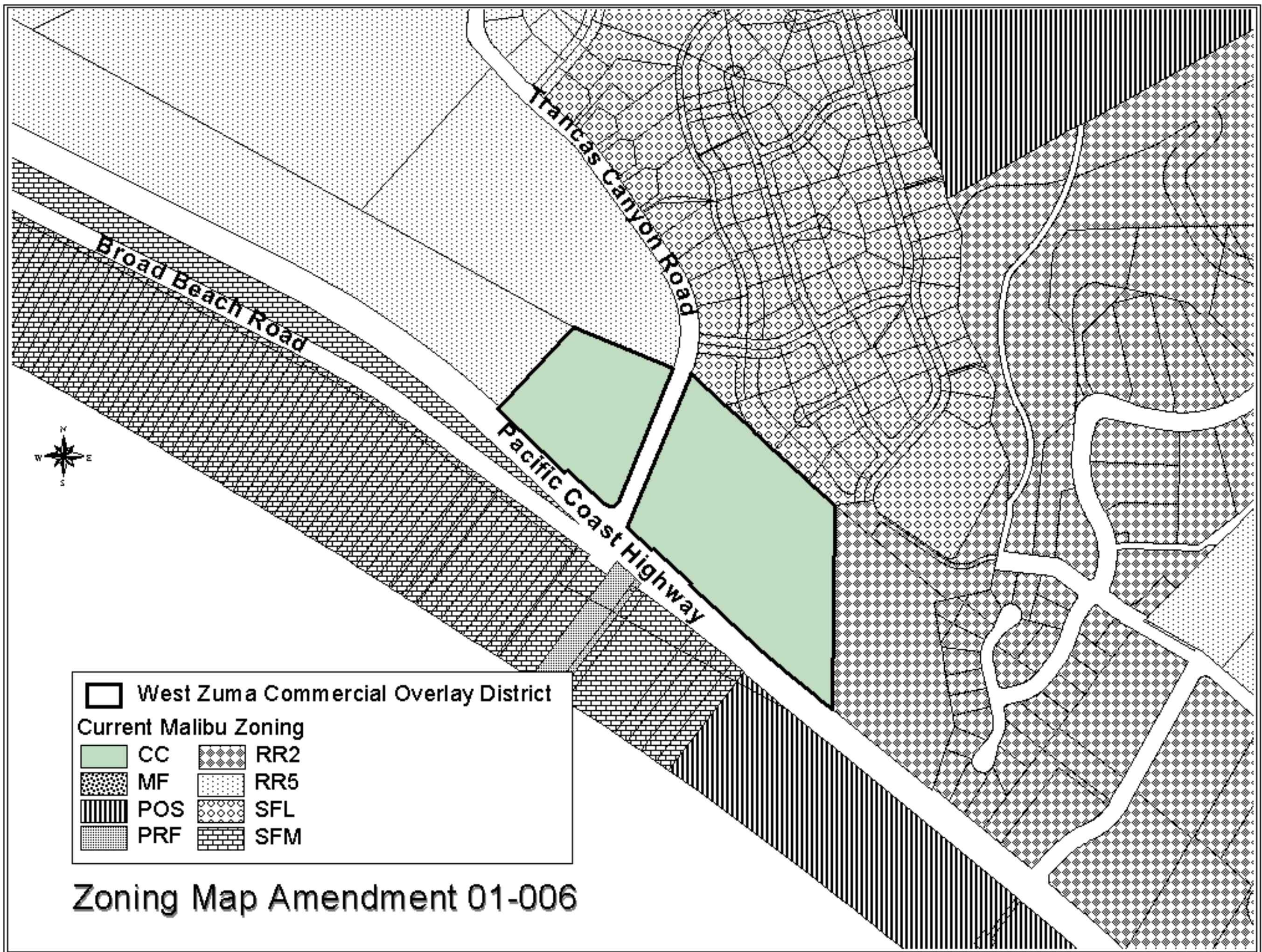
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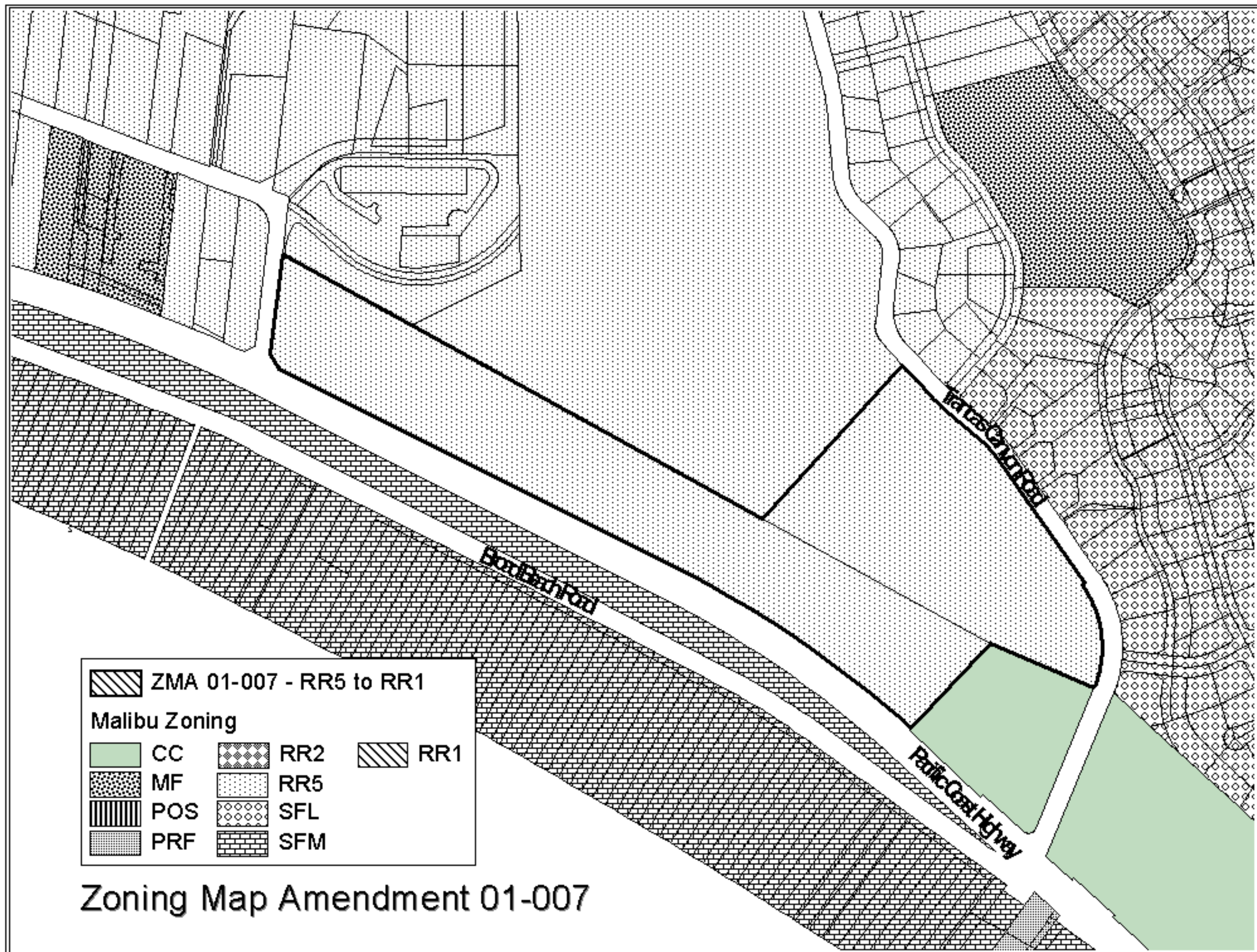




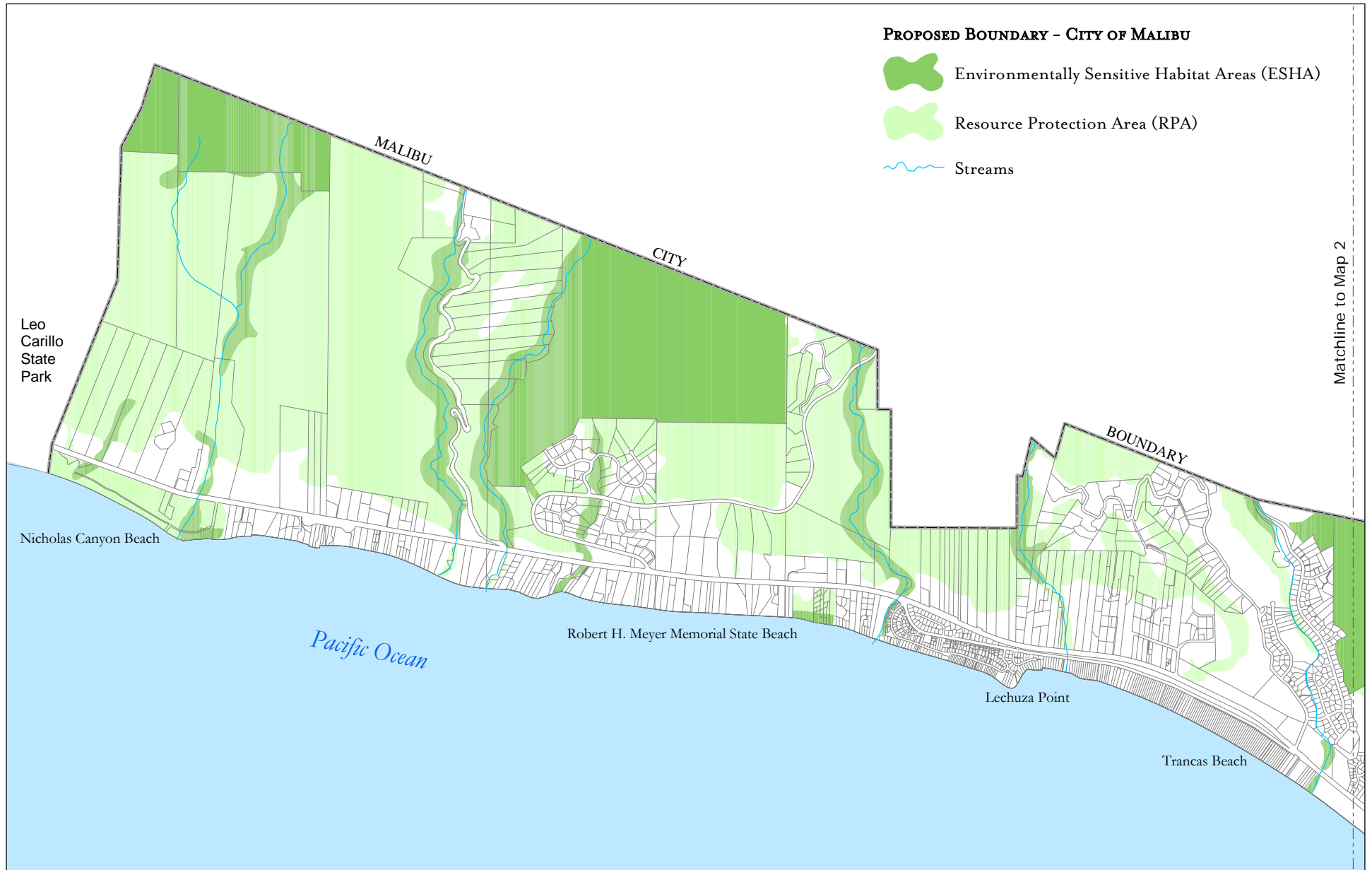




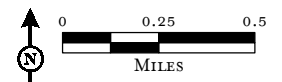




LOCAL COASTAL PROGRAM - CITY OF MALIBU
PROPOSED ESHA MAP 1:
NICHOLAS CANYON TO TRANCAS BEACH

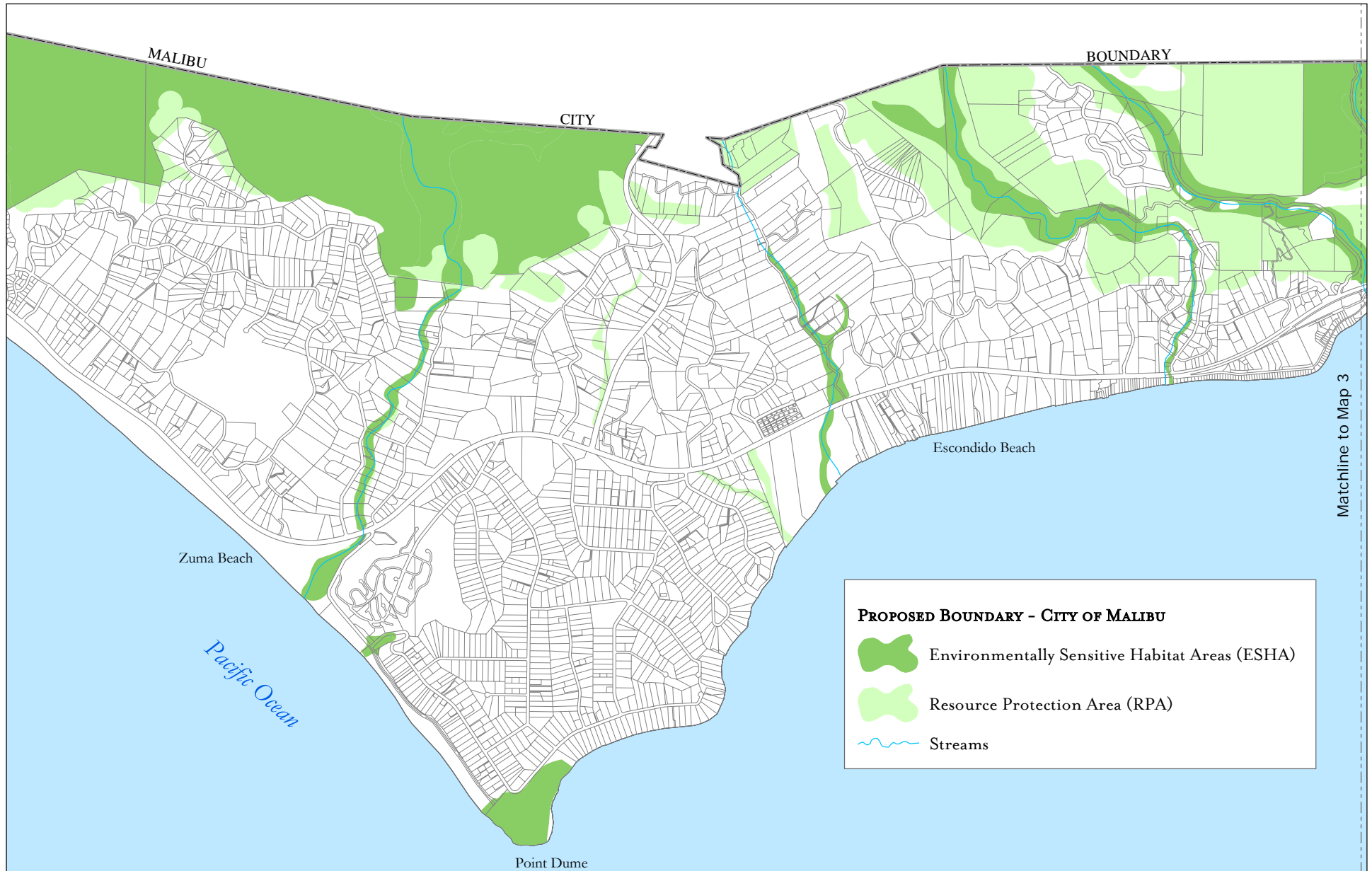


LSA

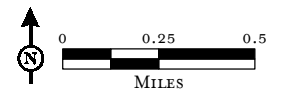


LOCAL COASTAL PROGRAM - CITY OF MALIBU
PROPOSED ESHA MAP 2:
ZUMA BEACH TO ESCONDIDO BEACH

Proposed Amendment #1



LSA

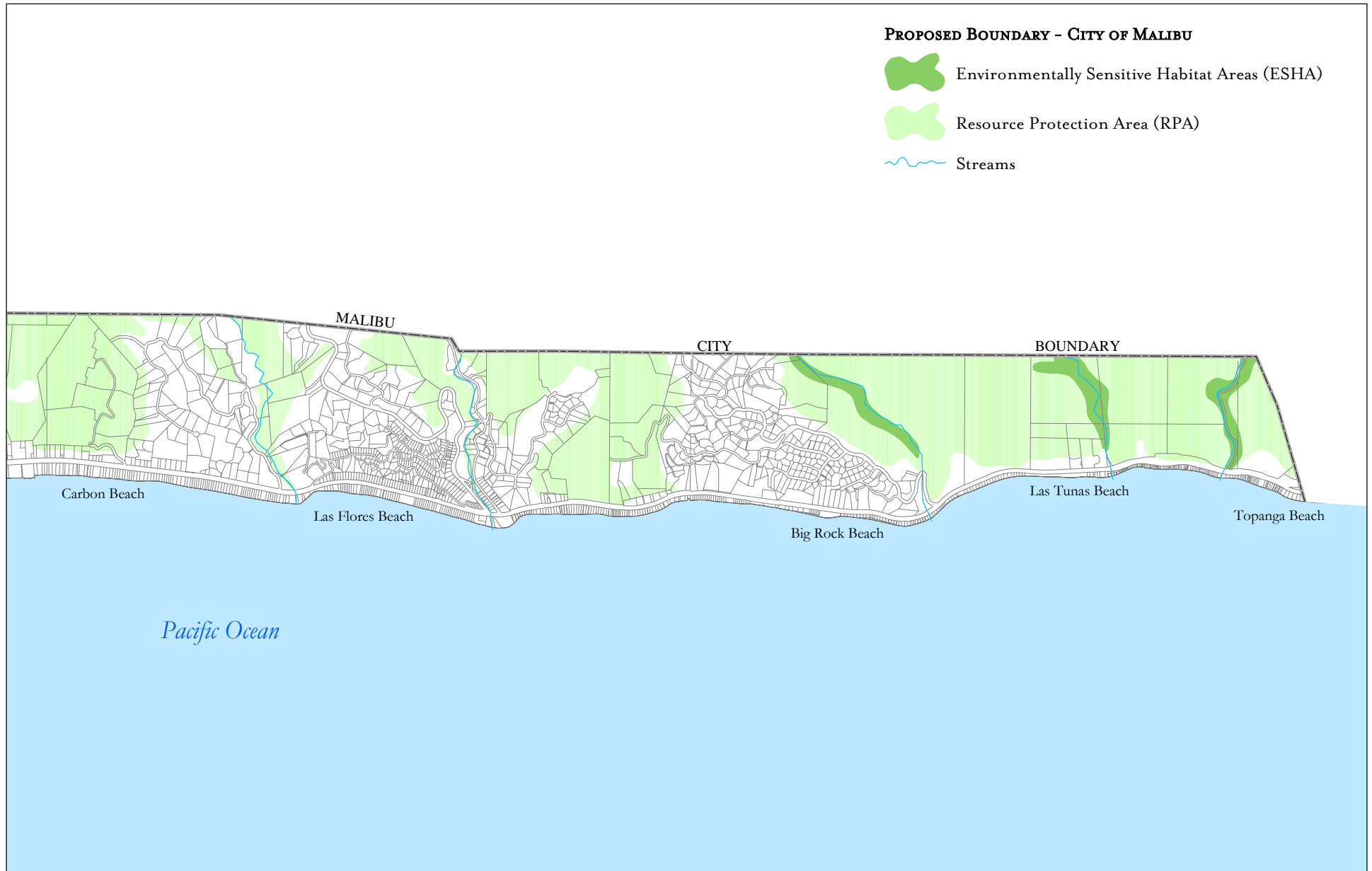


PROPOSED ESHA MAP 3:
DAN BLOCKER TO MALIBU PIER

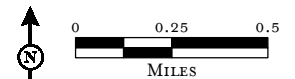


LOCAL COASTAL PROGRAM - CITY OF MALIBU
PROPOSED ESHA MAP 4:
CARBON BEACH TO TOPANGA BEACH

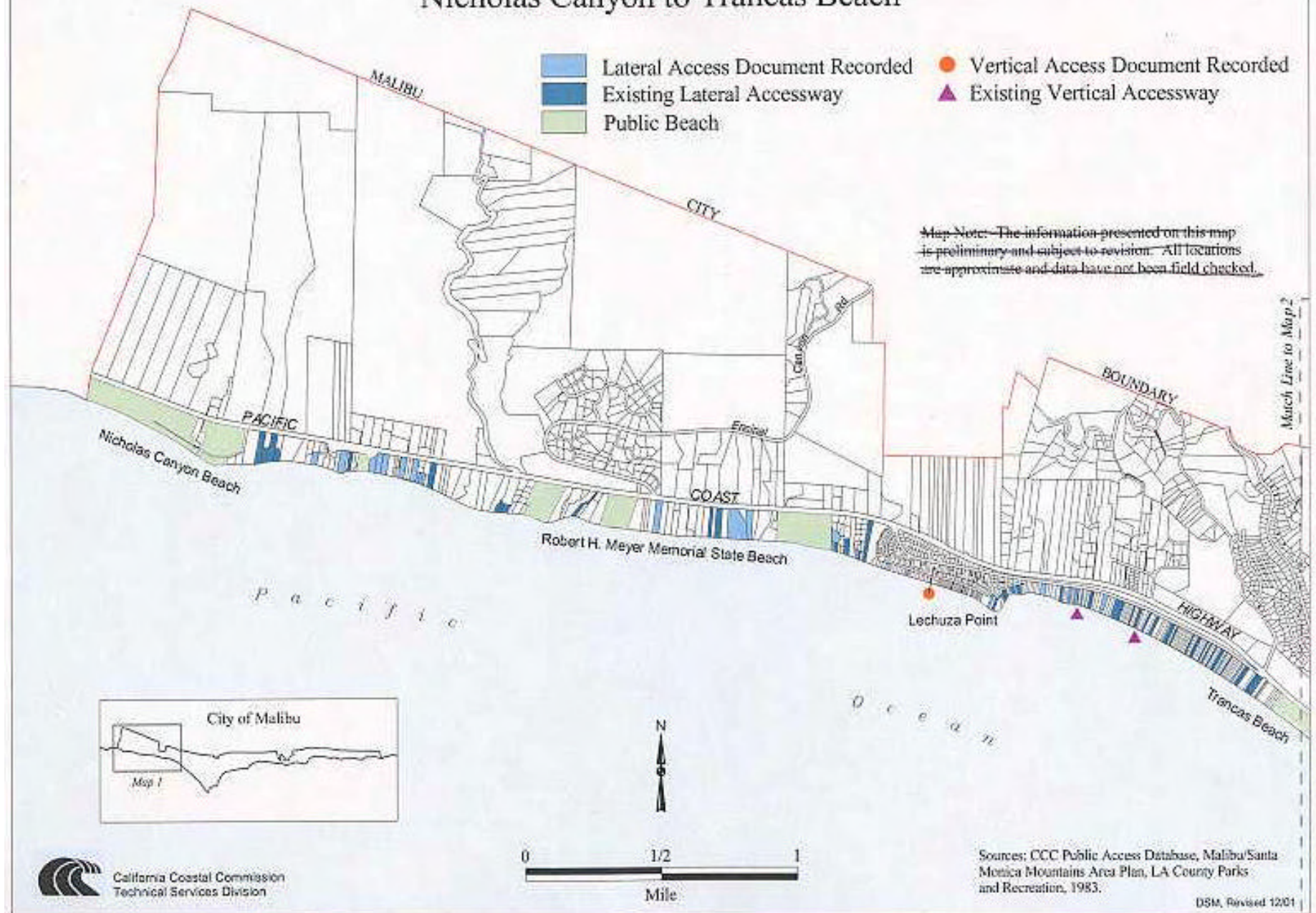
Proposed Amendment #1



LSA



Local Coastal Program - City of Malibu
Public Access Map 1:
Nicholas Canyon to Trancas Beach

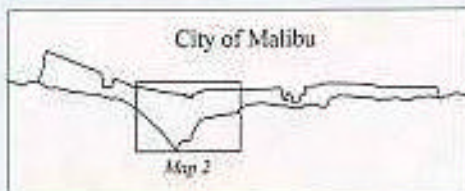


Local Coastal Program - City of Malibu
Public Access Map 2:
Zuma Beach to Escondido Beach

- | | | | |
|---|----------------------------------|---|-----------------------------------|
|  | Lateral Access Document Recorded |  | Vertical Access Document Recorded |
|  | Existing Lateral Accessway |  | Existing Vertical Accessway |
|  | Public Beach |  | Viewpoint |



Map Note: The information presented on this map is preliminary and subject to revision. All locations are approximate and data have not been field checked.

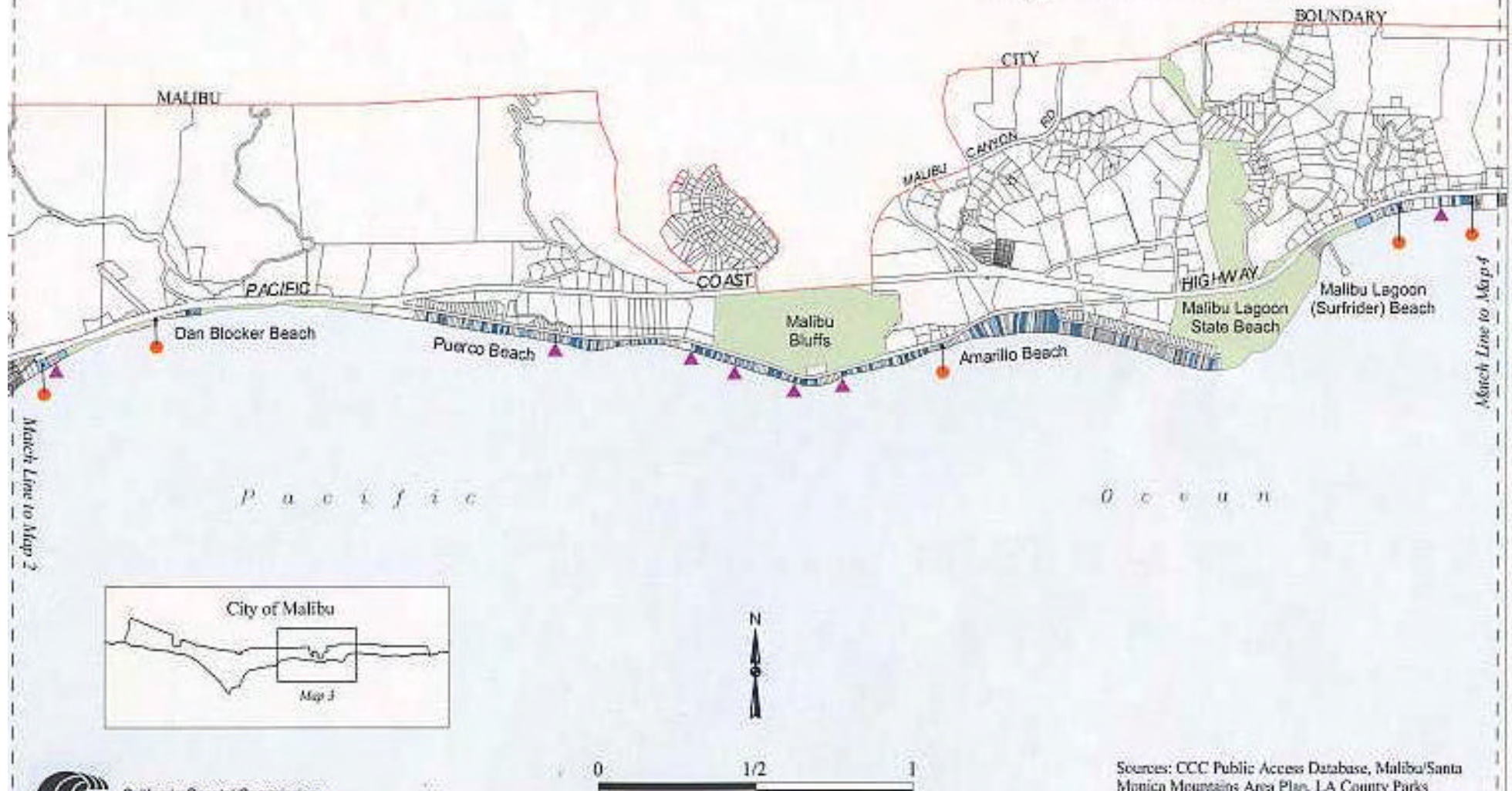


Local Coastal Program - City of Malibu

Public Access Map 3: Dan Blocker to Malibu Pier

- Lateral Access Document Recorded
- Existing Lateral Accessway
- Public Beach
- Vertical Access Document Recorded
- Existing Vertical Accessway

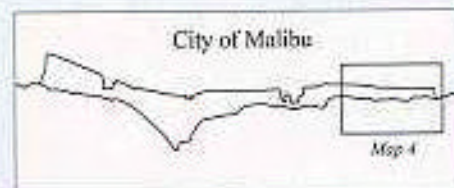
Map Note: The information presented on this map is preliminary and subject to revision. All locations are approximate and data have not been field-checked.



Local Coastal Program - City of Malibu

Public Access Map 4: Carbon Beach to Topanga Beach

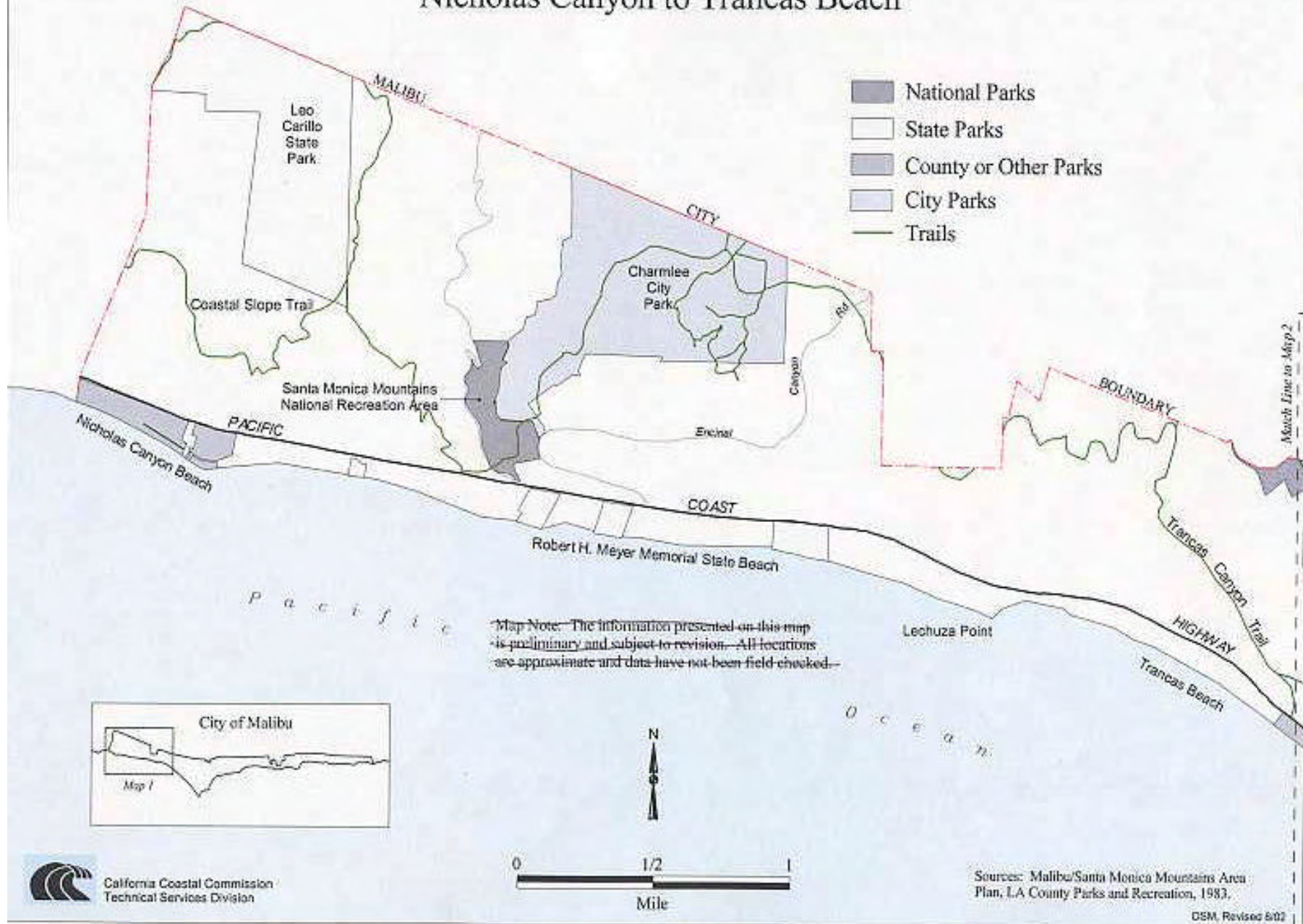
-  Lateral Access Document Recorded
-  Existing Lateral Accessway
-  Public Beach
-  Vertical Access Document Recorded
-  Existing Vertical Accessway



Map Note: The information presented on this map is preliminary and subject to revision. All locations are approximate and data have not been field checked.



Local Coastal Program - City of Malibu Park Lands Map 1: Nicholas Canyon to Trancas Beach



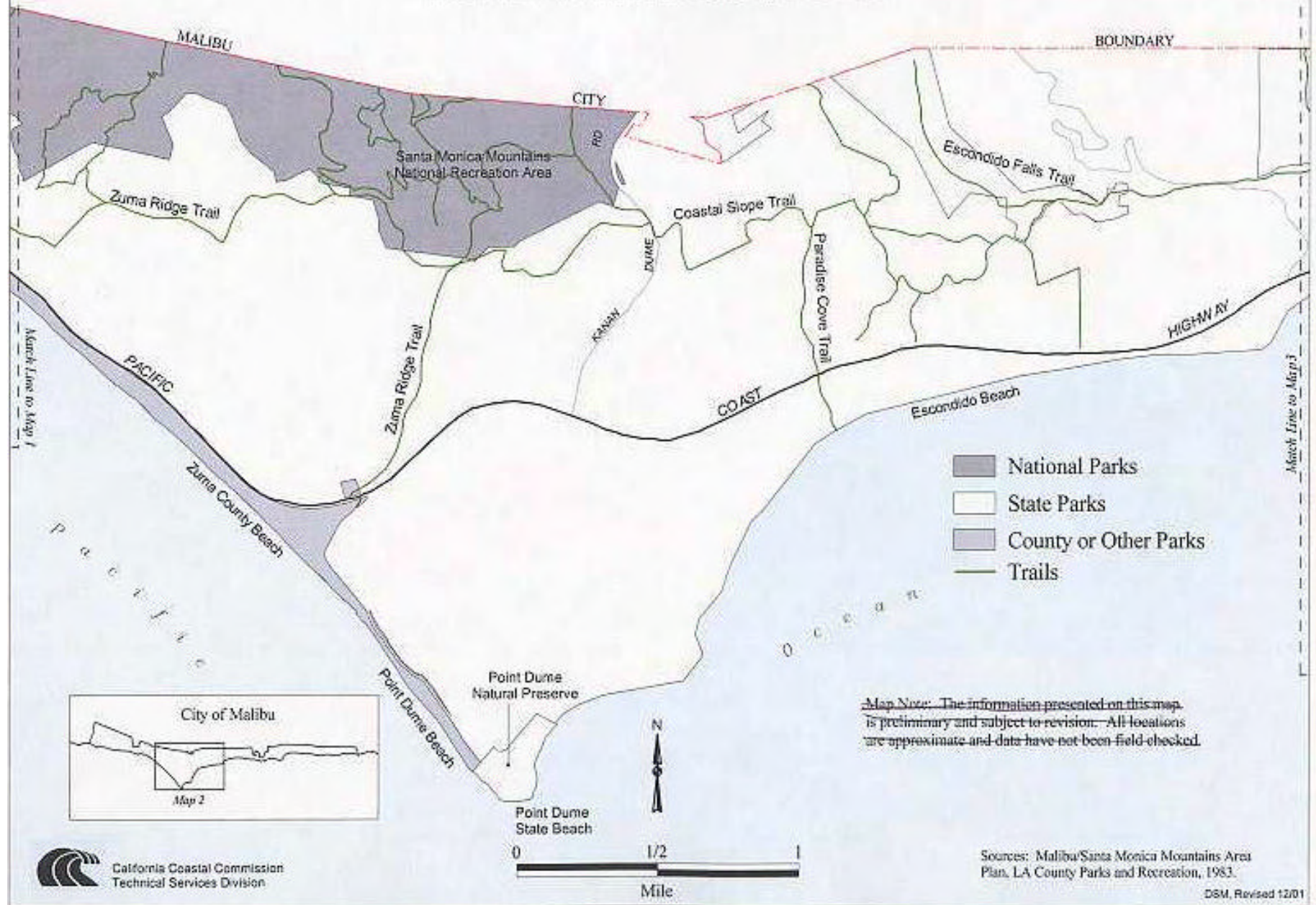
California Coastal Commission
Technical Services Division

Sources: Malibu/Santa Monica Mountains Area
Plan, LA County Parks and Recreation, 1983.




DSM, Revised 5/02

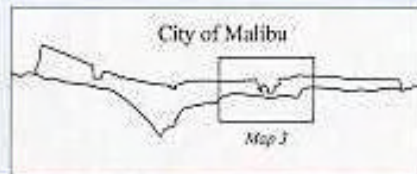
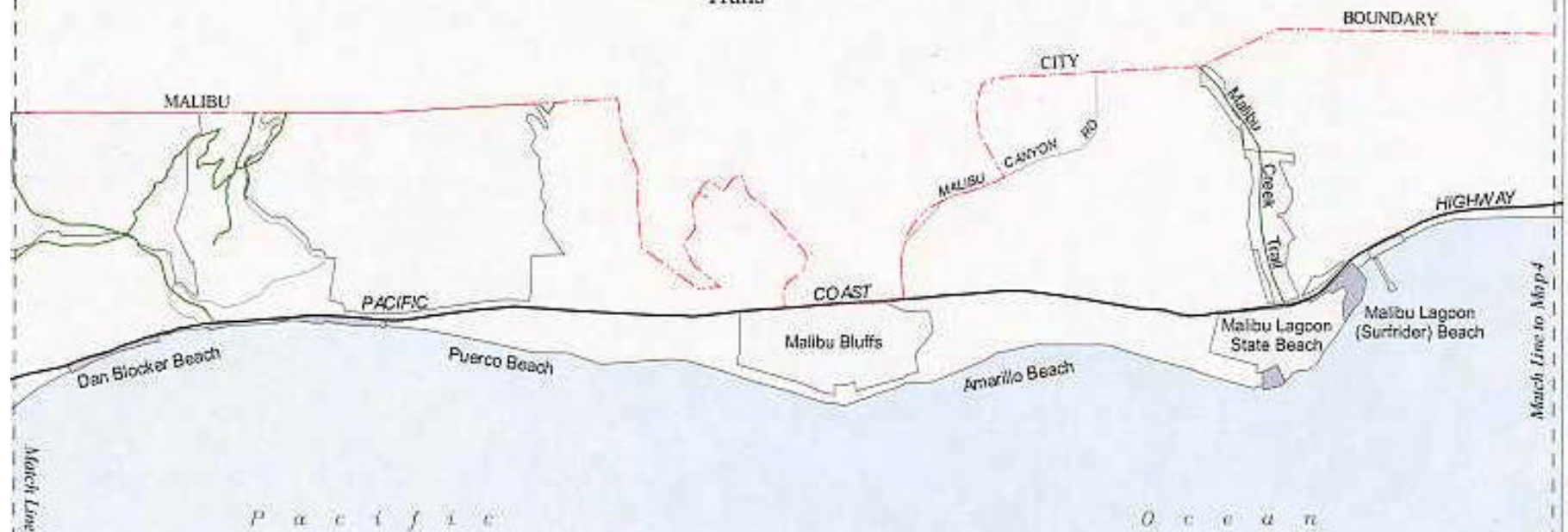
Local Coastal Program - City of Malibu

Park Lands Map 2: Zuma Beach to Escondido Beach



Local Coastal Program - City of Malibu
**Park Lands Map 3:
 Dan Blocker to Malibu Pier**

-  National Parks
-  State Parks
-  County or Other Parks
-  Trails



Map Note: The information presented on this map is preliminary and subject to revision. All locations are approximate and data have not been field checked.






California Coastal Commission
 Technical Services Division

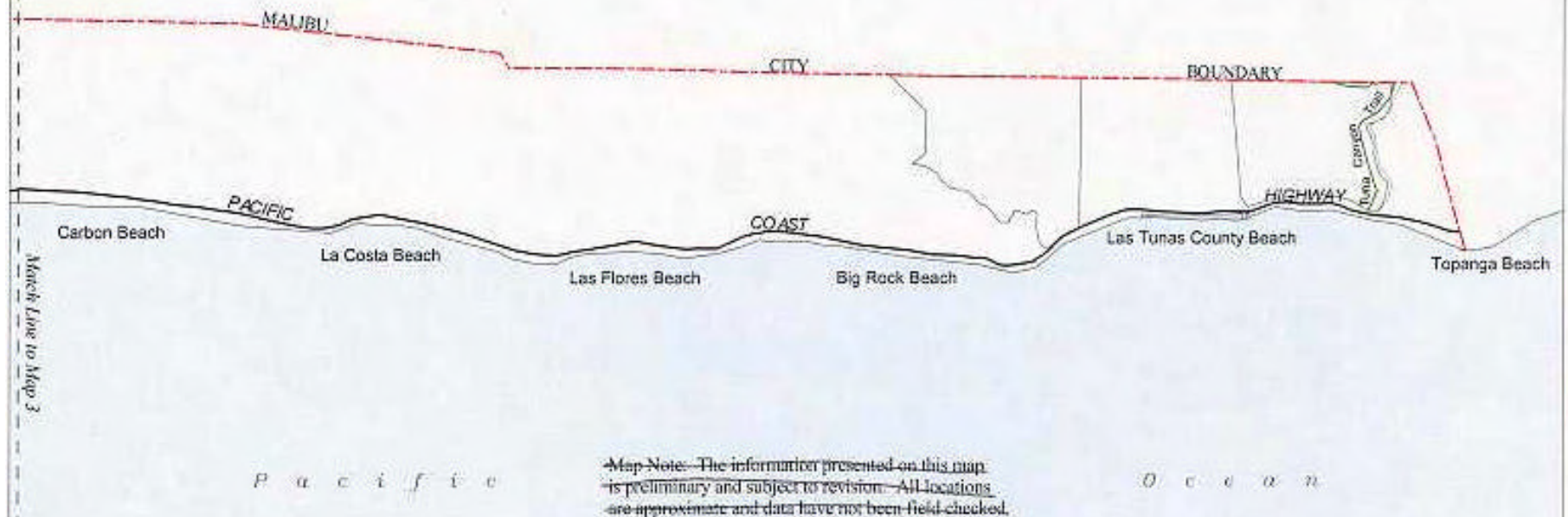
Sources: Malibu/Santa Monica Mountains Area Plan, LA County Parks and Recreation, 1983.

GSM, Revised 12/01

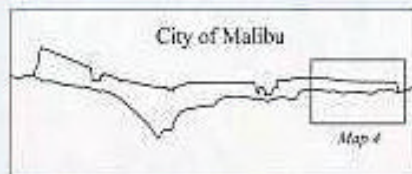
Local Coastal Program - City of Malibu

Park Lands Map 4: Carbon Beach to Topanga Beach

-  State Parks
-  County or Other Parks
-  Trails



Map Note: The information presented on this map is preliminary and subject to revision. All locations are approximate and data have not been field checked.



California Coastal Commission
Technical Services Division

Sources: Malibu/Santa Monica Mountains Area
Plan, L.A. County Parks and Recreation, 1983.

DSM, Revised 8/02

EXHIBIT "A"

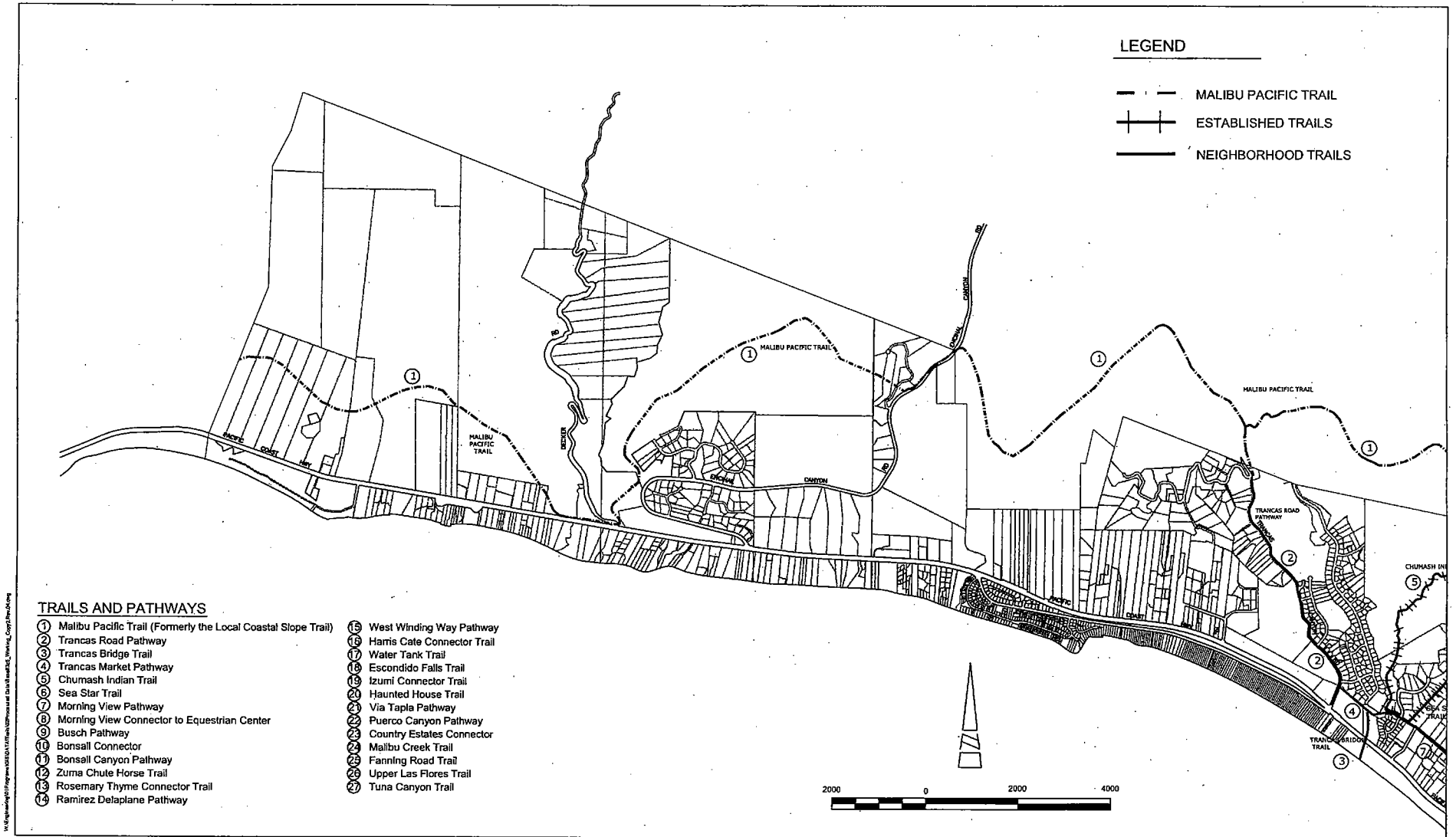
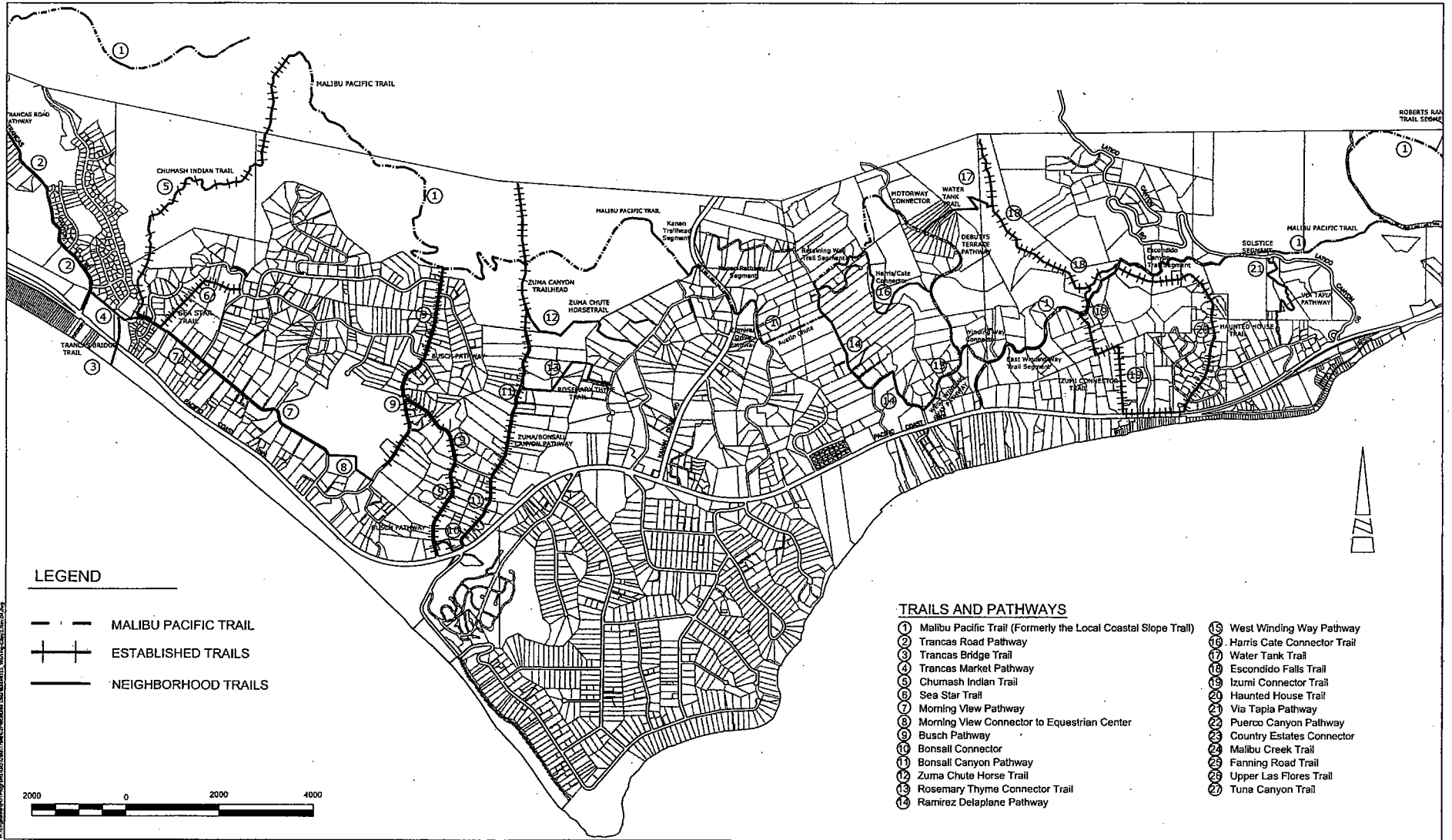
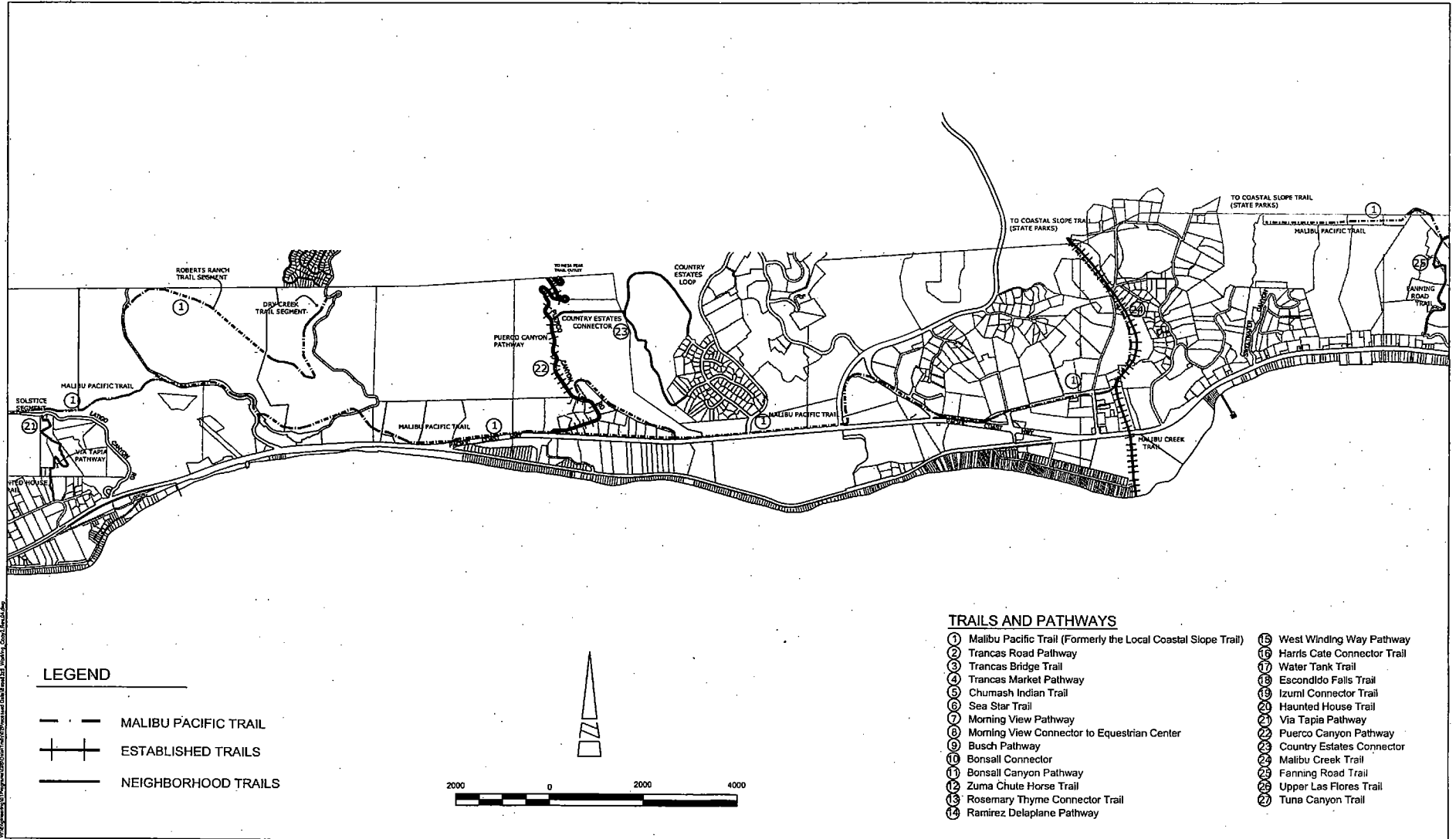


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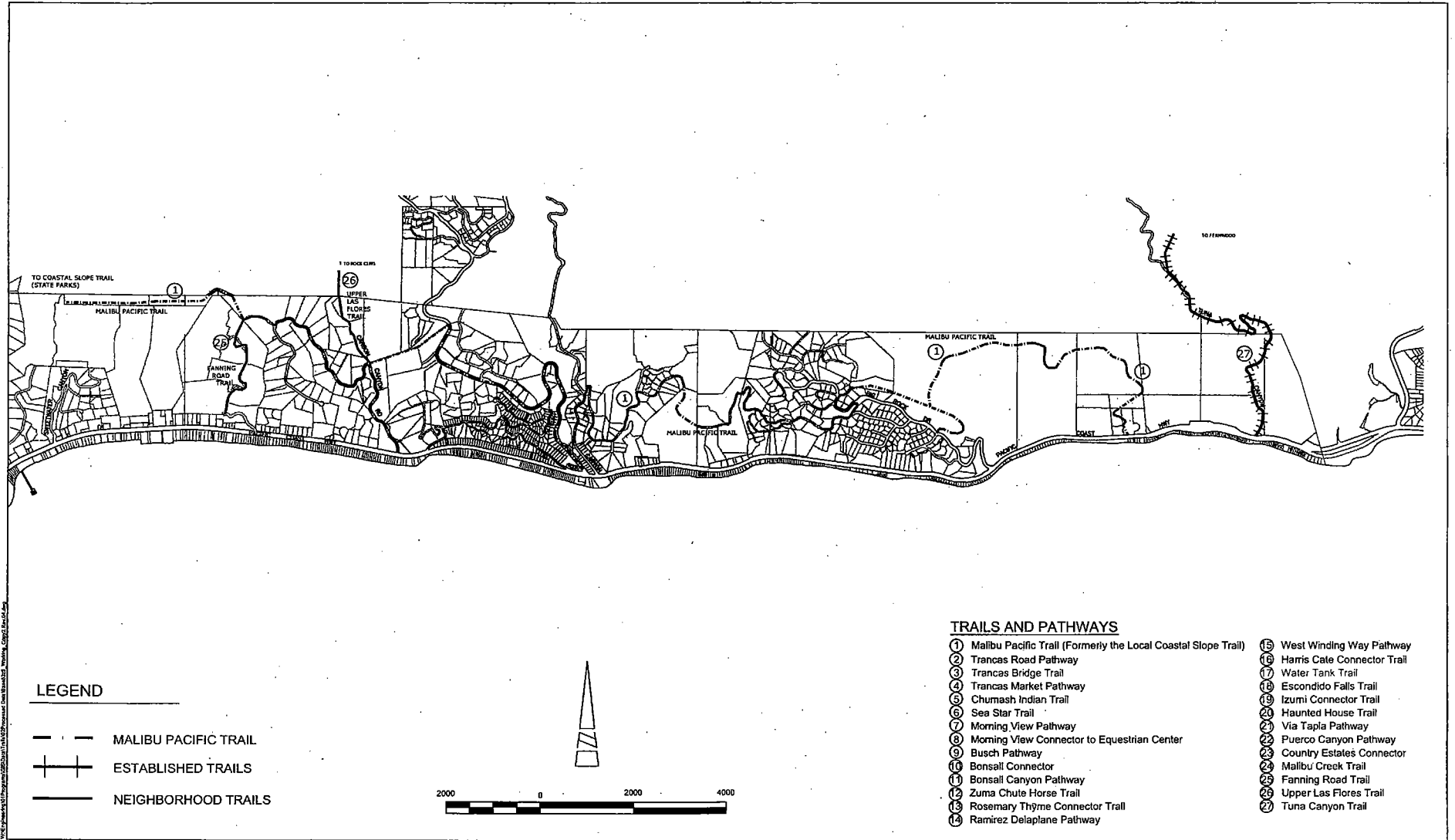
MALIBU TRAILS SYSTEM

EXHIBIT "A"



MALIBU TRAILS SYSTEM

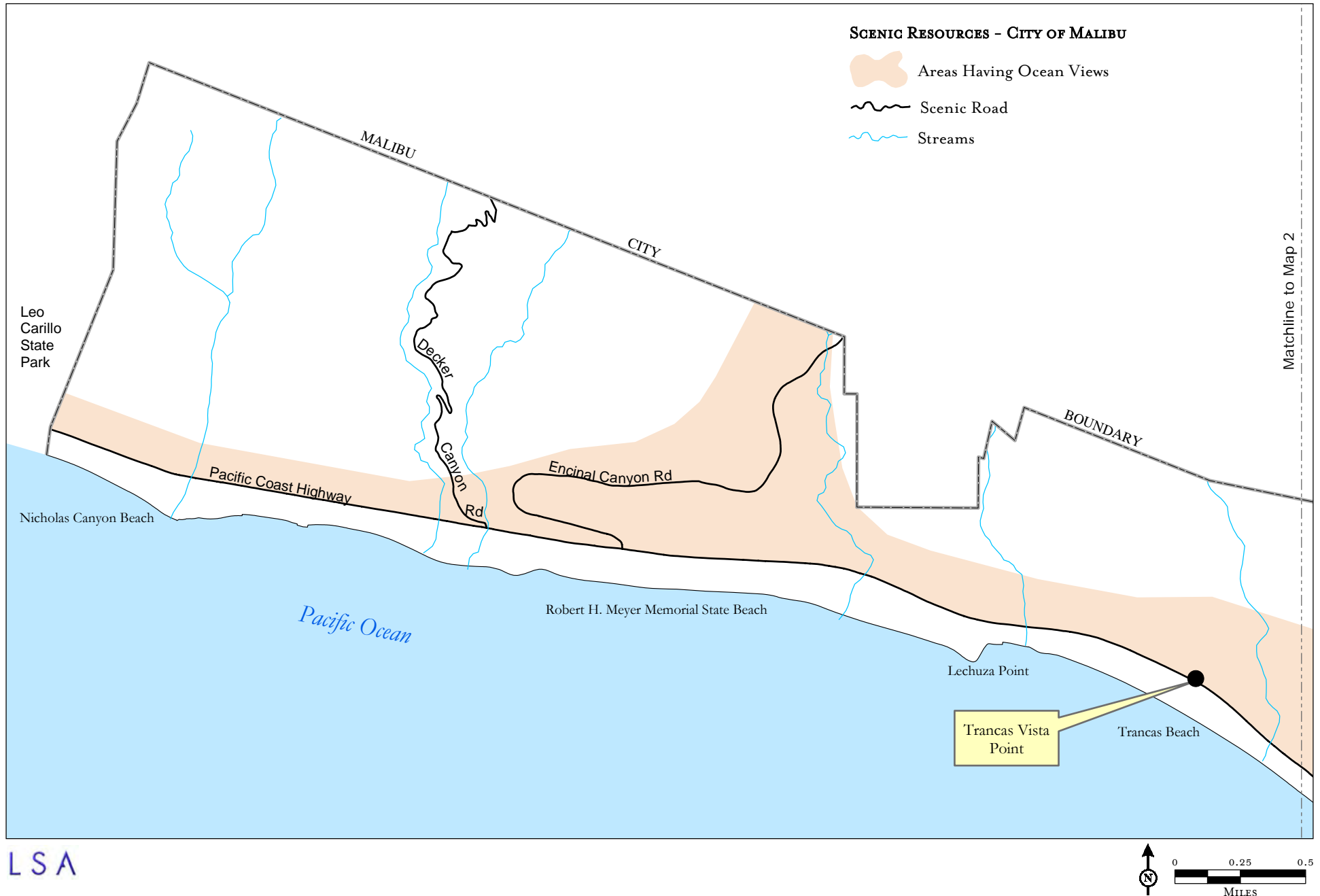
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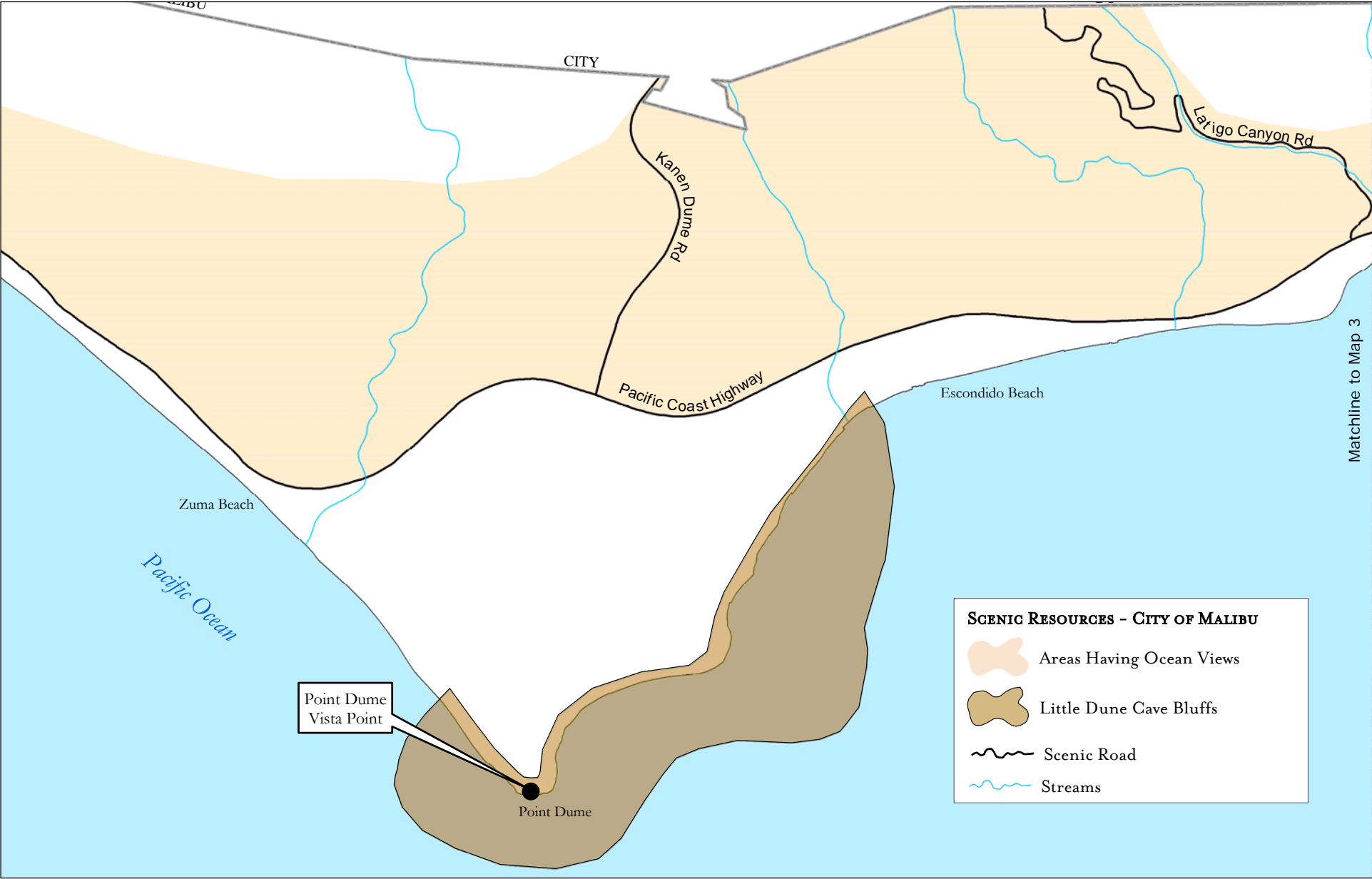
MALIBU TRAILS SYSTEM

LOCAL COASTAL PROGRAM LAND USE PLAN- CITY OF MALIBU

SCENIC RESOURCES MAP 1: NICHOLAS CANYON TO TRANCAS BEACH

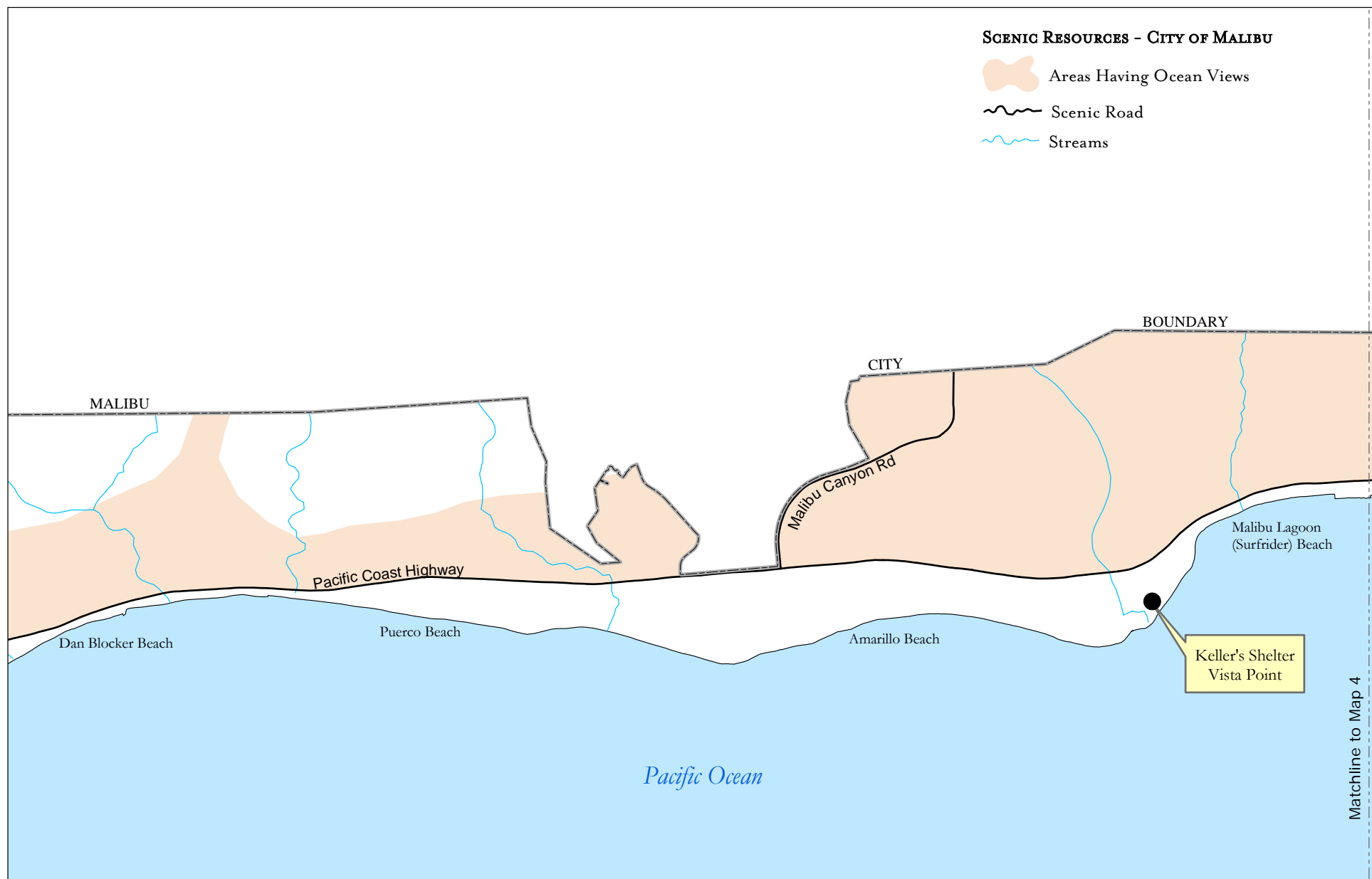


SCENIC RESOURCES MAP 2:
ZUMA BEACH TO ESCONDIDO BEACH



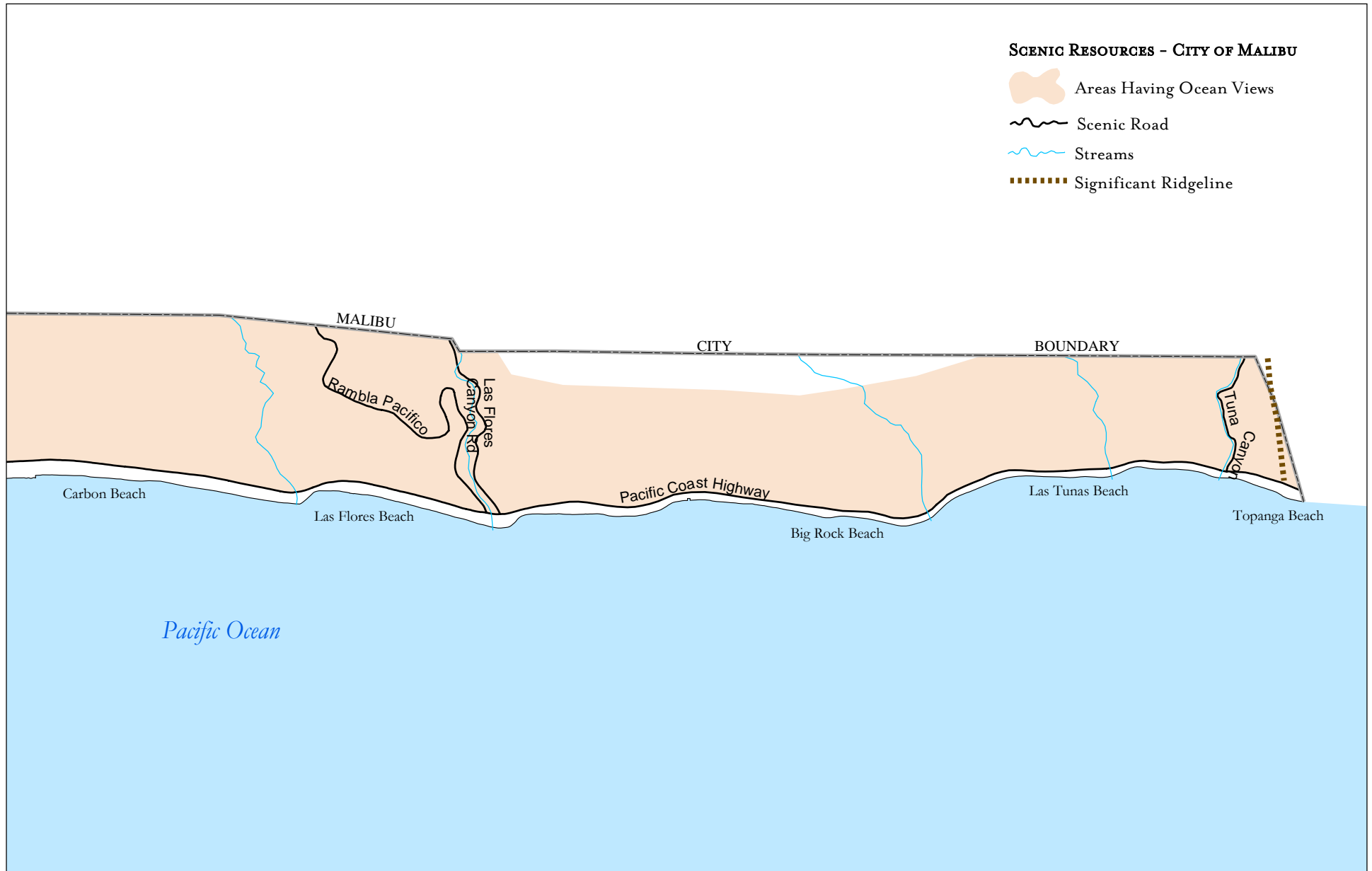
LSA

SCENIC RESOURCES MAP 3:
DAN BLOCKER TO MALIBU PIER

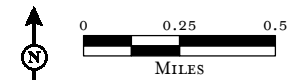


LOCAL COASTAL PROGRAM - CITY OF MALIBU
SCENIC RESOURCES MAP 4:
CARBON BEACH TO TOPANGA BEACH

Proposed Amendment #1



LSA



2.65 On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the ambulatory mean high tide line landward to the ambulatory seawardmost limit of dune vegetation. If at some time in the future, there is no dune vegetation seaward of the approved deck/patio line, such easement shall be located from the ambulatory mean high tide line landward to the seaward extent of development.

2.67 Facilities to complement public access to and along the shoreline should be provided where feasible and appropriate. This may include parking areas, restroom facilities, picnic tables, or other such improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessways OTDs or as a precondition to the approval or construction of said accessways

New offers to dedicate public access shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights in the areas subject to the easement prior to acceptance of the offer and 2) prohibits any development or obstruction in the accessway prior to acceptance of the offer of dedication.

Unless there are unusual circumstances, the accessway shall be opened within 5 years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within 6 months of the written request. A Coastal Development Permit that includes an offer to dedicate public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private association that requests such transfer, if the easement holder has not opened the accessway to the public within 5 years of accepting the offer.

2.71 Public agencies and private associations which may be appropriate to accept offers of dedication include, but shall not be limited to, the State Coastal Conservancy, the Department of Parks and Recreation, the State Lands Commission, the County, the City, the Santa Monica Mountains Conservancy and non-governmental organizations.

The LUP ESHA Map shall be reviewed every five years in co-operation with the Environmental Review Board and the resources agencies within the Santa Monica Mountains and updated to reflect current information, including information on rare, threatened, or endangered species. Areas subject to habitat restoration projects shall also be considered for designation as ESHA. Revisions

to the map depicting ESHA shall be treated as LCP amendments and shall be subject to the approval of the Coastal Commission.

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Lloyd Zola

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, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated

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Lloyd Zola

5/12/2004 9:48:00 AM

For all ESHA other than wetlands, the allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites are ESHA or ESHA buffer shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. If it is demonstrated that it is not feasible from an engineering standpoint to include all graded slopes within the approved development area, then graded slope areas may be excluded from the approved development area. For parcels over 40 acres in size, the maximum development area may be increased by 500 sq. ft. for each additional acre in parcel size to a maximum of 43,560-sq. ft. (1-acre) in size. The development must be sited to avoid destruction of riparian habitat to the maximum extent feasible. These development areas shall be reduced, or no development shall be allowed, if necessary to avoid a nuisance, as defined in California Civil Code Section 3479. Mitigation of adverse impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be required.

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Lloyd Zola

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The allowable development area may be increased for projects that comprise two or more legal lots, if the existing lots are merged into one lot and one consolidated development area is provided with one access road or driveway. The allowable development area shall not exceed the total of the development areas allowed for each individual parcel in Policy 3.12.

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Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

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Lloyd Zola

2/4/2004 9:26:00 AM

3.71 Accessory structures used for confined animal facilities or corrals may be permitted in conjunction with an existing or new single family residence if such use is not located on a slope greater than 4:1, and does not result in any expansion to the required fuel modification area into ESHA or ESHA buffer.

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Lloyd Zola

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include, at a minimum, creation or substantial restoration of wetlands of a similar type. Adverse impacts will be mitigated at a ratio of 3:1 for seasonal wetlands, freshwater marsh and riparian areas, and at a ratio of 4:1 for vernal pools and

saltmarsh, unless the applicant provides evidence establishing, and the City finds, that creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts of the dike or fill project. However, in no event will the mitigation ratio be less than 2:1 unless, prior to the development impacts, the mitigation is completed and is empirically demonstrated to meet performance criteria that establish that the created or restored wetlands are functionally equivalent or superior to the impacted wetlands

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Applications for land divisions relying on an OSTs shall include a soils analysis and/or percolation test report for each proposed lot, or for any lot(s) used for a community OSTs, where allowed. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California Registered Civil Engineer, a California Registered Geotechnical Engineer or a California Registered Environmental Health Specialist. Applications for land divisions shall also include a report prepared by a California Registered Groundwater Hydrologist or a California Registered Civil Engineer in the environmental/geotechnical field that includes an analysis of depth to groundwater on each proposed lot or on any lot(s) used for a community OSTs, where allowed, that addresses seasonal and cyclical variations as well as the adequacy of percolation rates in post-grading conditions.[]

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3.141 Applications for a coastal development permit for OSTs installation and expansion, where groundwater, nearby surface drainages and slope stability are likely to be adversely impacted as a result of the projected effluent input to the subsurface, shall include a study prepared by a California Certified Engineering Geologist or Registered Geotechnical Engineer that analyzes the cumulative impact of the proposed OSTs on

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City-wide or beach specific Shoreline Management Plans should be developed for shoreline areas subject to wave hazards and erosion which include:

- An examination of local and regional annual erosion rates in order to reflect current shoreline changes;
- Standard engineering plans and analyses defining the specific types of armoring that would be acceptable or preferable for specific areas, and where appropriate, identification of the types of armoring that should not be considered for certain areas or beaches in order to minimize risks and impacts from armoring to public access and scenic resources along the shoreline and beach recreation areas.
- Standard alternatives feasibility analysis that would be a required element of all hazard response projects and that would require applicants to go through a series of steps to assure that hard protective devices were only used as a last

resort. The analysis should require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, wave uprush reports etc.), an examination of all other options (removal, relocation, sand replenishment, no action etc.), and a conclusion that a shoreline protective device would be the “best option” (most protective of the public trust, best long term solution etc.) for the subject site.

- Standard conditions and monitoring requirements that should include mechanisms to ensure shoreline protection effectiveness and public safety with provisions for the removal or ineffective or hazardous protective structures as well as programs to address beach replenishment and sand supply.
- Procedures to address emergency armoring, such as: coordination with property owners and for field inspections before and after storm seasons; guidance for types of temporary protective structures preferred and a provision for removal of temporary structures if no follow up permit is filed.
- Shoreline Management Plans developed pursuant to the above stated standards shall not be effective until they have been certified by the Coastal Commission as an amendment to the LCP.

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4.31 “Infill Development” shall apply to a situation where construction of a single-family dwelling and/or a duplex in limited situations on a vacant lot or the demolition of an existing residential dwelling and construction of a new dwelling is proposed in an existing, geographically definable residential community which is largely developed or built out with similar structures. When applied to beach front development this situation consists of an existing linear community of beach fronting residences where the vast majority of lots are developed with residential dwellings and relatively few vacant lots exist. Infill development can occur only in instances where roads and other services are already existing and available within the developed community or stretch of beach. Infill development shall not apply to the construction of a shoreline protection device.

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required for new development or to protect existing development such as dune restoration, sand nourishment, and design criteria emphasizing maximum landward setbacks and raised foundations.

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Septic systems shall be located as far landward as feasible. Shoreline and bluff protection structures may be permitted to protect existing structures that were legally constructed prior to the effective date of the Coastal Act, or that were permitted prior to certification of the LCP provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure and only when it can be demonstrated that said existing structures are at risk from identified hazards, that the proposed protective device is the least environmentally damaging alternative and is designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Alternatives analysis shall include the relocation of

existing development landward as well as the removal of portions of existing development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc.

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4.38 No shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave uprush or if the bluff edge encroaches to within 10 feet of the structure as a result of erosion, landslide or other form of bluff collapse. Accessory structures including, but not limited to, cabanas, patios, pools, stairs, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of threat from erosion, bluff failure or wave hazards.

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shoreline protection structure be permitted to be located further seaward than a stringline drawn between the nearest adjacent corners of

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A stringline shall be utilized only when such development is found to be infill and when it is demonstrated that locating the shoreline protection structure further landward is not feasible.

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4.42 As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

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5.19 Subsequent to September 15, 2004, if no Specific Plan or comprehensive plan is approved by the Coastal Commission as an LCP amendment, applications for new development, other than improvements to existing uses, on individual parcels located in the Civic Center Overlay area shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval of any new development on the site.

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All residential development, including land divisions and lot line adjustments, shall conform to all applicable LCP policies, including density provisions.

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to a maximum of 900 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Detached garages, including garages provided as part of a

second residential unit, shall not exceed 400 square feet (2-car) maximum. The area of a garage provided as part of a second residential unit shall not be included in the 900 square foot limit.

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extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.

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. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.